# TRIALS AT LARGE,

ON

## PROSECUTIONS

FOR THE

## *C R O W N;*

AT THE

Quarter Seſſions of the Peace,

Held for the City and County of the City of DUBLIN.

No. II.

CONTAINING THE PROCEEDINGS

*At the Tholſel Court, commencing Auguſt 6th.* 1792; *in the Mayoralty of the Right Honourable*

HENRY GORE SANKEY,

BEFORE

DENNIS GEORGE, Eſq.

*Recorder of the Hon. City of Dublin, and*

Two of the Worſhipful Board of ALDERMEN.

DUBLIN:

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1792.

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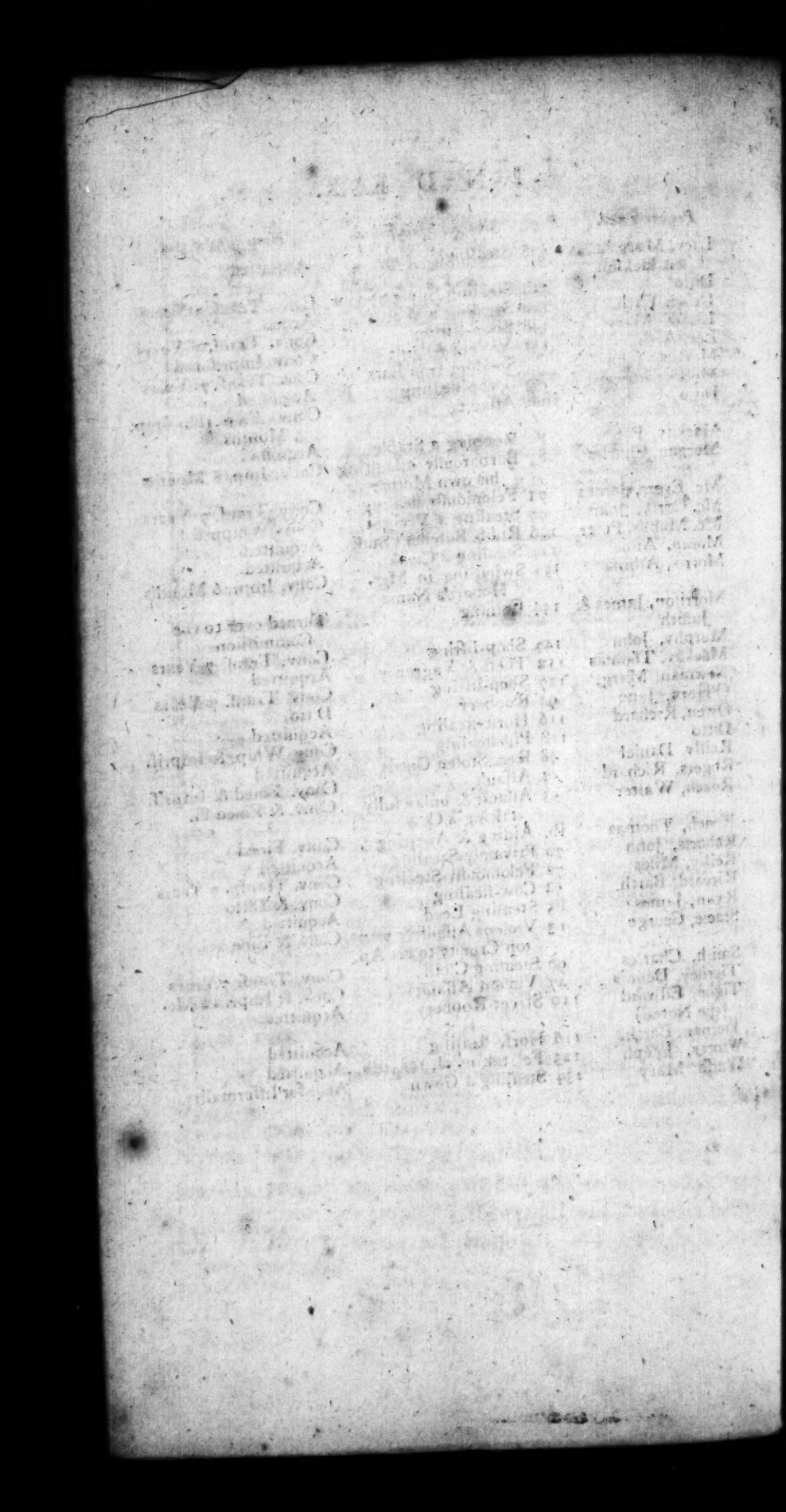

# THOLSEL COURT,

day Auguſt before

## DENNIS GEORGE, Eſq;

*Recorder of the City of Dublin, and two of the Worſhipful Board of Aldermen.*

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EDMUND HAMILTON, Eſq; one of the attorneys, was indicted for aſſaulting THOMAS GEORGE JOHNSON, in Nicholas-ſtreet, on the 10th of June laſt.

*Thomas George Johnſon*, ſworn, ſays, he is a linen-draper, and has an houſe and ſhop in Nicholas-ſtreet. The traverſer with his wife, had for ſome conſiderable time lodged in his houſe; and he was accuſtomed to ſtay out at nights, till very late and unſeaſonable hours, inſomuch, that the proſecutor has been frequently obliged to ſit up for him, till *one*, *two*, *three*, *four*, and ſometimes *five* o'clock in the morning. Witneſs at length, warned him, that he would not keep his doors open after twelve o'clock at night, that he could not loſe his reſt, and would not leave the ſafety of his property at the mercy of ſervants, as he ſlept in the upper part of the houſe. Mr. Hamilton promiſed he would not ſtay out after twelve: and on the 10th of June, the witneſs having ſtaid up for him very late the night before, went to bed at twelve o'clock. The traverſer came to the door at two o'clock, and rapped frequently and

loudly for ſome time; at length the witneſs came down and opened the door, and the traverſer as ſoon as he was let in, groſſly abuſed the witneſs, damned his ſoul for a raſcal, aſked him how he dared to keep him ſo long at the door, and inſtantly ſtruck him ſeveral ſtrokes on the ſhoulders and arms with his ſtick. Witneſs never ſtruck him in return; only, after he received ſeveral blows, raiſed his hand and ſeized the traverſer by the breaſt.

The witneſs did not take any ſteps in conſequence of this treatment, until after the 22d. of June, when the traverſer again ſtaid out to a very late hour; and came to the door about one o'clock, with ſome other perſons, and rapped very loud ſeveral times, but the witneſs would not open the door: the traverſer then got a ladder, climbed up to the firſt-floor windows, and unable to make his way in, broke one of the windows; he then went away, and came back again between two and three o'clock, with a Smith's ſledge, and endeavoured to break open the hall-door, which he ſtruck violently with the ſledge ſeveral times, and alarmed the whole neighbourhood: witneſs finding his houſe in danger of being broke open, came down ſtairs, with a pair of piſtols in his hand, which were not charged, and ſpoke to the traverſer, deſiring him to deſiſt at his peril. But the traverſer ſtill continued his attacks upon the door, and witneſs at length charged him on the Police.

Croſs-examined by Counſellor Caldbeck.—

The witneſs admits, that on the firſt night, the 10th of June, when Mr. Hamilton came to the door, his wife was in the houſe, and when ſhe ſent her ſervant for the key, he refuſed to entruſt his key to her ſervant, but if Mrs. Hamil-

ton

ton had aſked for the key he would not have refuſed her. He ſays, on the ſecond night the ſervant aſked for the key, but he refuſed it, and he did not chuſe to leave the key of his door with Mr. Hamilton's ſervant, as there was conſiderable property both of his own, and other peoples in his ſhop, and he did not know who the ſervant might let in, if the key was in her poſſeſſion. He ſays, he did not think he was doing any thing illegal in refuſing Mr. Hamilton admittance after twelve o'clock, becauſe it was ſpecially agreed, that the doors were always to be locked at that hour. He ſays, he knows Mr. Hamilton is a profeſſional man, and might be detained out on buſineſs ſome nights to late hours, but not ſo often as three or four times a week; he ſays, he never would refuſe to ſtay up occaſionally, if Mr. Hamilton was out on buſineſs, and would appriſe him: the traverſer's wife came to the door with him the firſt time, on the ſecond night, for the were both out together, but ſays, ſhe was not with him when he came with the ſledge.

*William Gorrell*, ſworn, ſays, he is Clerk to Mr. Johnſon: he remembers the 10th of June, and that the traverſer came to Mr. Johnſon's door, between two and three o'clock, in the morning, and rapped at it violently, ſeveral times, and on its being opened, he ſaw him ſtrike Mr. Johnſon with his cane ſeveral times.—The traverſer's wife interfered and endeavoured to diſſuade the traverſer from violence, but he ſwore if ſhe ſaid a word, he would cut her to inches.

On the 22d of June the traverſer told witneſs, that he would keep Mrs. Hamilton out that night on purpoſe until half paſt two, and if the

door was not inſtantly opened for him he would bring a ſledge and break it open.—The traverſer did bring a ladder, and endeavoured to get in, and broke the window, and afterwards brought the ſledge, and endeavoured to break the the door open; and Mr. Johnſon gave him in charge to the Police.

Croſs-examined by Counſellor Browne—He ſays, he does not know, that Mr. Hamilton was frequently detained out to late hours, by buſineſs.—He never did hear, that he was once kept out till ſeven o'clock, in the morning, drawing a gentleman's will, nor did the traverſer ever make any ſuch apology, that witneſs knows of.—The traverſer's ſervant told the witneſs, that all her maſter *wanted* was to be *refuſed* the key.

Evidence for the proſecution being here cloſed.

*Counſellor Caldbeck*, addreſſing the Court and Jury; argued, that this proſecution, was founded on peeviſhneſs: and that the ground of it originated in an illegal act, on the part of the proſecutor; he expatiated on the cruelty, and unreaſonableneſs of keeping a Gentleman out of his lodgings, and from his wife and family all night, becauſe a capricious landlord, ſhould take into his head, a whim of locking his doors, at a particular hour, regardleſs of all conſiderations, which might accidently detain a man of profeſſion from home, to a late hour, who happened to be his lodger. He contended, that where a man lets lodgings, he is conſidered, to grant to his tenant, full poſſeſſion of ſo much of his houſe, to which he is to have free ingreſs, egreſs, and regreſs, whenever he pleaſes; and he has no right to take rent,

where

where he refuſes this privilege.—The apartments which a man lets, he contended, are as much in the full poſſeſſion of his tenant, as if they were a detached houſe; and ſo long as he holds and pays rent for them, he has a right to poſſeſs all the privileges of a tenant, and to come in and go out when he chuſes; unleſs the appartments be taken under poſitive and particular reſtrictions, which do not in the preſent caſe appear.

The proſecutor, therefore, in the preſent caſe was, in his opinion, unwarranted in refuſing the traverſer's admittance.

*On behalf of the Traverſer.*

*The Reverend Mr.* READ, *ſworn.*—He ſays, on the night of the 22d of June, he ſupped with the traverſer and his wife, at the houſe of the traverſer's father, in Kennedy's-lane; that immediately as the clock ſtruck one, the traverſer ſtood up, and ſaid, his wife and he muſt go home, or they would be locked out.—They were preſſed to ſtay, but refuſed.—The witneſs, a Captain Kerr, the traverſer, and his wife, left Kennedy's-lane together, and at the corner in Nicholas-ſtreet, bid the traverſer and his wife good-night; but in ſome time afterwards he came to the witneſs's lodgings, when he was in bed, and told him he was locked out.

Witneſs had been in company with the traverſer another night, a ſhort time before twelve, and came home with him between twelve and one, and he was locked out in the ſame manner, and rapped repeatedly at the door without gaining admittance; Mrs. Hamilton was at the window of the dining-room waiting up for him, and

and could not get the key, but he was obliged to get in at the window.

Witneſs had ſupped with the traverſer another night at his lodgings, at Mr. Johnſon's, and happening to ſtay till one o'clock, found he was locked in, and Mr. Johnſon had carried the key of the hall-door up to bed, and would not ſend it down until witneſs went up and intreated him to allow him the key for that once, and promiſing never to be caught again exceeding his hour.

On the morning of the 22d, when the traverſer went to witneſs's lodgings, he requeſted the witneſs to come back with him, or he ſhould get no admittance; the traverſer's wife was along with him, they went to Mr. Johnſon's and rapped repeatedly, but could not get in; witneſs ſaid, if the lodgings were his, he would think himſelf lawfully warranted in breaking in the door with a ſledge.—Being unable to get admittance, the traverſer returned with his wife to Kennedy's-lane, and the witneſs wiſhed him good-night and went home.

*John Delany*, a Policeman, ſworn.—Remembers the morning of the 22d of June, between two and three o'clock, he ſaw the traverſer rapping loud at Mr. Johnſon's door, in Nicholas-ſtreet, and ſaw Mr. Johnſon looking out at the two-pair window; he then ſaw the traverſer ſtriking the door with a ſledge, and endeavouring to break it open; it was a ſmith's ſledge, witneſs does not know where the traverſer got it; the door was not broke open, but Mr. Johnſon called the Police and came down with his piſtols, and charged the traverſer in cuſtody, and walked in his ſtocking-feet to the watch-houſe to give his in charge there.

*Davi*

*David Leech*, ſworn,—ſays, he lived ſervant with the traverſer's father, on the 22d of June, remembers the traverſer's ſupping there, and going away with his wife, and the reſt of the company, at one o'clock; but in better than half an hour afterwards, he and Mrs. Hamilton came back again, and ſaid, they could not get into their lodgings.

The traverſer then went out and took the witneſs along with him, to a place in Bride-ſtreet, where he got a ſmith's ſledge, and came back to his lodgings, and rapped at the door, and threatened to break it open, if he was not let in immediately.—Mr. Johnſon was looking out of his window: he was not let in; he ſtruck the door ſome blows with the ſledge, there was no appearance of any alarm in the ſtreet amongſt neighbours; there were Policemen in the ſtreet, but they did not attempt to ſeize upon the traverſer, nor prevent him, until he was charged by Mr. Johnſon.

*Evidence being cloſed.*

*Counſellor Caldbeck* cited a caſe tried in the Court of Exchequer, where a man brought his action againſt his landlord, in a buſineſs exactly ſimilar to the preſent, for falſe impriſonment, by charging him on the Police, and the juſtification ſet up by the defendant, was, that the plaintiff had rapped violently at his door; but the Jury found for the plaintiff.

Mr. Recorder obſerved, that in *that caſe* the noiſe was made with the Rapper, but in *this* with a SMITH'S SLEDGE.

Mr. Recorder then ſummed up the evidence, and obſerved legally upon the caſe, that there could

could be no doubt, that where a man takes lodgings in another man's private houſe, he takes them under a tacit and implied agreement to keep reaſonable hours, according to the regular cuſtom of the family; for it can hardly be ſuppoſed, that citizens who have their buſineſs to attend all day, would ſet their appartments at the uſual rates, under the liability of being diſturbed at all hours of the night by their lodgers, or of having the reſt of their families conſtantly broken. If a lodger wiſhes to be indulged in an exception from this uſage, he ſhould apply to his landlord for a key for himſelf; becauſe, the leaving the key entirely in the landlord's poſſeſſion, implies an acquieſcence in his diſcretion to lock the door at any reaſonable hour of the night he chuſes; but admitting, even the proſecutor did wrong in locking up his doors at one o'clock, this does not juſtify the wrong act of another. The traverſer had experienced the ſame inconvenience before, and he was at his option to quit the lodgings; or, if his landlord acted illegally, then he had his remedy in the law.—But it would bea dangerous doctrine to ſend forth in the city of Dublin, that a man could be juſtified in going at an unſeaſonabe hour of the night, with a ſledge, to break open the door of his landlord for refuſing to open his houſe to him at all hours.—There is no part of a man's property which the law protects more ſacredly, or with more jealouſy than the outer door of his houſe.—By this, the perſon of the owner was protected from arreſts. It was his barrier of defence from the midnight robber; the ſafe-guard of his property, and of his life.—Mr. Johnſon was a man of buſineſs and credit, having under his care a property acquired

acquired by his honeſt induſtry, and the property of other men his creditors in the way of trade; and therefore, he was warranted in his precautions againſt entruſting either his own or other mens ſervants, at all hours of the night with the key of his doors, not knowing who they might admit.—If he refuſed the traverſer admittance unreaſonably, there was a variety of remedies.—He might quit the houſe, pay no rent, or bring his action; but the law arms no man with a ſledge to batter down doors of his lodging-houſe in the dead of night, nor does it warrant him to commit aſſault and battery on the perſon of his landlord, for merely exerciſing a diſcretion, from which his lodger can ſo eaſily free himſelf by leaving thoſe lodgings.

It appeared at the ſame time, that Mr. Johnſon has acted rather in a peeviſh, unaccommodating manner, and with more ſeverity than he need to have done; however, the traverſer has been guilty of an illegal act, and is the leſs excuſable, becauſe, as an attorney, he knew he was acting illegally.

GUILTY of the aſſault.—Fined 10*l.*

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DANIEL HUNT and WILLIAM FITZMAURICE, were indicted for aſſaulting Mr. Thomas Mahon, on the Merchant's-Quay, on the 30th of June laſt.

*Thomas Mahon*, ſworn, ſays, he knows the traverſers. Daniel Hunt formerly lived with him as a ſervant, and he had diſcharged him for ſome miſbehavio r about a week before the aſſault.—Witneſs went on the 30th of June, to the houſe of Mr. Nicholas Mahon, on the Merchant's-Quay, with whom he had been

formerly in partnerſhip, in order to requir the ſettlement of an account, and ſome warm words having enſued between the witneſs and Mr. Nicholas Mahon, Daniel Hunt, who was a ſervant, then happening to come into the room, ſaid to the witneſs, "Damn your ſoul, you raſcal, dare you ſay a word," and ſeized witneſs by the neck, and ſtruck him with his fiſt acroſs the face. — A ſcuffle enſued, and William Fitzmaurice, who is an apprentice to Mr. Nicholas Mahon, alſo laid hold of witneſs, and aſſiſted Hunt in dragging him towards the door, and ſtruck him ſeveral blows, and knocked him down. —Witneſs ſays, he is ſure William Fitzmaurice would not have ſtruck him if he had known him, but that he acted under the influence of error.

On behalf of the traverſers. — Mr. Nicholas Mahon, and Jane Jones examined, but neither contradicted the fact of Hunt's having ſtruck the proſecutor.

Daniel Hunt — GUILTY. Impriſoned one week.

WILLIAM JONES, was indicted for aſſaulting Edward Barret, on the 7th of June laſt.

*Edward Barret*, ſworn, ſays, he is a limner and has known the traverſer about ten years ſince, when he was employed by the Earl of Moira, to take ſome ſketches of his eſtate. The traverſer was at this time Butler to his Lordſhip. — Witneſs, at his Lordſhip's deſire lived ſome time at Moria-houſe, and had the honour

honour (through Lord Moria's politeneſs) of dining at his Lordſhip's table. The traverſer for ſome reaſon, which witneſs does not know, took an unaccountable antipathy to him, and ſeemed to make a point of ill-treating and offending him on ſeveral occaſions, while under Lord Moira's roof. — Witneſs did not wiſh to do the man any injury, and therefore rather choſe to overlook his miſconduct, than repreſent it to Lord Moira.—His Lordſhip, however, at laſt obſerved it himſelf, and in conſequence turned this man away.—From that time to this, whenever the traverſer ſaw or met the witneſs in the public ſtreets, he made a conſtant practice of aſſaulting or inſulting him, and did ſo more than eight or nine times. — He has followed him in the ſtreet and ſtruck him behind on the legs or head; met him ſometimes and ſpit in his face; joſtled him off the flagged way; followed him a whole ſtreet's length, abuſing him by the moſt opprobious names. — On the 7th of June in particular, witneſs was paſſing along the outer-walk, in one of the ſquares of Stephen's-Green, and he met the traverſer walking along with a woman, and ſtepped aſide to get out of his way, but as ſoon almoſt as he had paſſed them, the traverſer, without any ſort of provocation, ran after him, pulled him, ſtruck him with his fiſt, and knocked him down, and kicked him.—The witneſs, as ſoon as he got up, made the beſt defence in his power, and ſome perſons came up and interfered, to whom he told his ſtory. — His ſhirt was torn, his eye blackened, his noſe and mouth bleeding, his face ſcratched, and this at noon-day, gave him much embarraſſment. He, in conſequence, lodged examinations againſt the traverſer; and no longer ſince than yeſter-

day, the traverſer met him again, and called him many opprobrious names, and ſpit in his face.

The traverſer, in his defence, alledged, he never ſtruck the proſecutor, and did not ſee him at all on the 7th of June.—He was found guilty, but his conduct in Court was ſo violent as to call for a ſevere reprimand from the Recorder, who obſerved, that as he was ſo extremely *hot* in his temper, it was neceſſary he ſhould be cooled; and ſentenced him to ſix weeks impriſonment, and a fine of 6*d*.

TERENCE DOOLAN, a Lamp-lighter, was indicted for aſſaulting William Mangan, Eſq; in Great George's-ſtreet, South, on the night of the 1ſt of February.

*Mr. Mangan*, ſworn,—ſays, he was paſſing through George's-ſtreet on the above night, and the traverſer going along with his ladder on his ſhoulder, hit him with the ladder; witneſs ſpoke to him civilly, and aſked him why he did ſo, and the traverſer, with great rudeneſs, called him a raſcal, and ſaid, he would do it again, and attempted to ſtrike him with the ladder, but witneſs defended himſelf, and ſeized the traverſer, and gave him in charge to the Police.

The traverſer produced two witneſſes, a Policeman, and one Mr. *Gill*, a reſident of George's-Lane, but neither could prove any thing to contradict the evidence of Mr. *Mangan*.

The traverſer was found Guilty, and ſentenced to a Fine of 6*d*. and a week's impriſonment.

GEORGE

GEORGE STACIE, was indicted for a violent aſſault and cruel treatment exerciſed on his apprentice, *Benjamin Bond.*

*Counſellor Caldbeck* opened the caſe, and ſtated to the Court and Jury, that the proſecutor in this cauſe, was a lad of reputable connections, and the ſon of a widow Gentlewoman, who bound him apprentice to the traverſer, who is a cabinet-maker, whom ſhe conceived to be a decent moderate man, and ſuch a one as would be capable of teaching him his buſineſs, and exerting over him the proper care and vigilance of a maſter; with this view, the boy's mother gave a handſome fee with her child, but the lad had ſcarcely ſerved two years of his time, when the traverſer began to beat him with great ſeverity, and even cruelty.

The law warrants, and even enjoins a maſter to give his apprentice *due correction*; and of the proper degree of this, every humane man is a judge: — but the law does not warrant a ſort of cruelty, like the puniſhment of the *knout*, or allow a maſter to batter and bruiſe a boy into a mummy, with a thick rope, and ſend him to keep his bed for eight or ten days, or throw him into a fever, which puts his life in danger.

On theſe points, he ſaid, evidence would be adduced before a Jury of reputable citizens, who, he truſted, would feel and judge properly as Parents, as Maſters, and as Men, and teſtify by their verdict, that they knew how to diſcriminate between *due correction*, and *wanton cruelty*.

*Benjamin Bond*, ſworn, — ſays, he was apprentice to the traverſer, but does not live with him now; that he has frequently treated him with

with great cruelty, but particularly on the night above-mentioned. — Witneſs was accuſtomed, with his maſter's permiſſion, to go out every evening, after work, to ſee his mother, and he was always allowed to ſtay out until half paſt ten o'clock; that on the night above-mentioned, he had inadvertently ſtaid at his mother's a few minutes beyond his time, and was not in 'till within twenty minutes, or a quarter of eleven. — He went into the work-ſhop, and his maſter came down, and aſked him how he dare ſtay out? And witneſs explained to him, that it was by miſtake he ſtaid out a few minutes beyond his time. — The traverſer then aſked the witneſs, "What impertinence was that he had given to his brother-in-law;" and witneſs anſwered, none that he knew of.— The traverſer then pulled out of his pocket a piece of bed-rope, doubled in ſix or eight lengths, and deſired the witneſs to pull off his coat, which he did; he then deſired him to pull off his waiſtcoat, which the witneſs, ſeeing the knotted rope, and judging the traverſer's intent, was afraid to do, and would not pull it off; upon which, the traverſer began with all his force to beat the witneſs with the rope about the hands, arms, body, ſhoulders, neck and head, until he was covered with bruiſes and ready to faint with pain; he then ran into the kitchen, and the traverſer and his brother-in-law followed him, and the brother-in-law ſtill urged him to pull off his waiſtcoat, but he would not, and ſaid, they might kill him if they choſe; they then left him, and the witneſs went up to bed, but was ſo much affected by the extreme pain, that he could not ſleep all night; but, in the morning at five o'clock, he went to his mother's, and was eight days con-

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fined to his bed there, in a fever, under the care of a doctor.

*Croſs-examined by Counſellor Browne.*—Says, he has lately got ſome fortune left him, but does not on that account wiſh to neglect or quit his buſineſs, that he has not been of late accuſtomed to keep late hours, or idle company, nor to diſregard his maſter's directions.—He ſays, it was his buſineſs, as an apprentice, to ſettle the work-ſhop, when the men were done work, and to put out the fire; that he did not refuſe on the evening of the aſſault to put out the fire, for there was none in the work-ſhop, as the weather was warm, and the glue was uſually melted at the kitchen fire.

Mrs. *Bond*, mother of Benjamin Bond, ſworn, ſays, that on the morning, when her ſon came home and told her the treatment he received on the preceding night from his maſter, ſhe could not believe it until ſhe made him ſtrip off, and found him covered with welts and bruiſes all over his hands, arms, and body; ſhe immediately ſent for a medical Gentleman who examined the boy's ſituation, and finding him feveriſh, ordered him to-bed directly, and forbid him the uſe of animal food for ſeveral days, and ordered him ſome cooling medicines. The boy was confined and unable to go out for eight days; his maſter came to her houſe to enquire for him, and ſhe brought him in and ſhewed him the boy's ſituation, and aſked him if he thought ſuch inhuman treatment fit for any perſon's child; and his anſwer was, that he would ſerve him in the ſame way again, as ſoon as he got him home; but ſhe did not ſuffer him to go home ſince, for fear of ſuch treatment being repeated.

*Croſs-*

*Croſs examined by Counſellor Browne.*—Witneſs ſays, her ſon has been left ſome fortune, but ſhe does not wiſh him to be diſcharged from his preſent apprenticeſhip for any other reaſon than to avoid cruelty, that his buſineſs is his principle hope, and ſhe wiſhes and intends he ſhould learn it.

*Ebenezer Ralph*, ſworn,—ſays, he is brother-in-law to George Stacey, and works in his houſe, as his foreman.—He ſays, Benjamin Bond, has of late, behaved himſelf careleſsly, and neglected part of his duty, and uſed to himſelf pertinent anſwers.—That on the evening of this affair, witneſs deſired him to clean up the ſhop, and ſet the things to rights, and he refuſed poſitively, and went out as ſoon as the men had done work; that he ſtaid out that night to a late hour, and when he came home his maſter corrected him; he produces the cord in Court, it was a ſmall rope, ſuch as is uſed for cording ſacking bottom bedſteads, doubled ſeveral times, and tied in knots.

*Evidence being cloſed.*—Mr. Recorder ſummed the whole, and in his charge to the Jury, obſerved, that though the law *warranted*, and the very article of indenture *obliged* a maſter to give his apprentice due correction, it by no means warranted him to exceed the bounds of moderation ſo far as to run into cruelty, or beat a boy in that unmerciful manner, which ſhould put his health, much leſs his life in danger.—The Jury would therefore determine, whether from the evidence before them, they conſidered the nature of the correction the proſecutor had received, as moderate or warrantable.

The Jury, after a ſhort conference, found the traverſer *Guilty*.

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The Recorder, then enquired, what 'Prentice fee the traverſer had received with the lad, and was informed 15*l.*—His Lordſhip adviſed the traverſer to ſettle matters with the proſecutor, before the riſing of the Court, on the next day, when he would be to receive ſentence; at which time, being aſked, if he had come to any ſettlement? he anſwered in the negative, and was fined 20*l.*

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FRANCIS AMYOTT, M. D. F. R. I. A. and French Profeſſor, in Trinity College, was indicted for aſſaulting Mary Amyott, his wife, on the 29th of April laſt.

Mrs. *Amyott*, a beautiful young woman, about 16, appeared in the Sheriff's Box, and Mr. *Amyott* ſat oppoſite to her in Court.

Counſellor *Calbeck*, for the proſecution, ſtated the caſe as follows:

My Lord and Gentlemen of the Jury,—I am in this caſe, of Council for the proſecution.—This is truly a very uncommon caſe,—Mr. Amyott ſtands indicted for having committed a violent aſſault upon his wife, a young Lady of very tender years; and, no doubt, you Gentlemen, will readily conceive it muſt be an injury of a very violent nature indeed, which could force ſuch a Proſecutrix as this, before the face of a Court, to arraign her huſband publickly of cruel treatment.

We every day hear inſtances of men aſſaulting each other; ſuch things are ordinary, and though violations of the law, they do not ſhock us.—We have very recently ſeen an inſtance of great cruelty from a maſter to his apprentice; but even this was not an act of ſuch peculiar

and extraordinary malice, when compared with that of a man's committing outrage upon the better half of himſelf.—I am proud, however, to ſay, for the honour of my country, that the traverſer is not an Iriſhman; and I am glad, that my client comes to prefer her complaint before a Jury of that country celebrated thro' Europe for their *manly* attachment to the *Rights* of the Fair Sex.

Doctor *Amyott*, Gentlemen, is a Profeſſor of Languages, a man who has ſpent his life in the ſtudy of Words, and, conſequently, may be ſuppoſed to have but a ſuperficial knowledge of intercourſe with the Ladies.—In the courſe of his profeſſional viſits he ſaw my fair client, and fell in love with her, a thing not extraordinary in any man who could ſee at all.—In ſhort, he doated on her to diſtraction, he could not live without her; and, if I am rightly inſtructed, did intimate as much as that he would do ſome violence to himſelf if he was not ſpeedily bleſſed with her fair hand. In ſhort, the young Lady, partly through a ſenſe of duty to the mandate of her father, and partly through pity to this deſponding Lover, was prevailed on to comply with his wiſhes.

Doctor *Amyott*, Gentlemen, is a man pretty well ſtricken in years, and well ſtored with experience of the world; my client a very young creature, little more than ſixteen; one would therefore have rather ſuppoſed he was poſſeſſed of an ample ſhare of diſcretion, and to the tender ſolicitudes of a fond huſband would have added the affection of a Guardian or Parent; but, the contrary is the caſe, for the Doctor, who before marriage, was a ſighing, tender Lover, immediately after it became quite an altered man.—The firſt fit of his con-

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jugal affection ſeemed to have bereft him of all affection to the reſt of the world; and his whole reaſon ſeemed to be ſwallowed up in the one object; and ſo axious was he to have her all to himſelf, that one of the firſt ſteps, after marriage, was to tear her away from her father's houſe, and to inſiſt upon her breaking off all connection with father, mother, brothers, ſiſters, and relations, and confine her converſation and affection to himſelf alone.

Fits extremely violent ſeldom laſt long, and honey-moons were *ſhort things* with the Doctor; the happy hours glided not away untold; they were counted by a watch, which meaſured ſeconds, and tedious as they might ſeem to Doctor Amyott, thirty-one days were ſoon at an end, and the violence of Love firſt ſubſided into coolneſs, then to contempt, and laſtly to cruelty.

Gentlemen, it is not my wiſh to treſpaſs on your patience by a circumſtantial detail of the various little acts of peeviſhneſs and ſeverity, which preceded the act of barbarity, for which this proſecution is inſtituted; but when I ſtate to you the cauſe of this act, you will ſtill be the more ſurpriſed.

Doctor Amyott had totally detached himſelf from all connection with his wife's father, and family. — Mrs. Amyott had gone on the evening preceding this aſſault, to viſit her father, who invited her to ſpend the next day, which was Sunday, on a little party of pleaſure, in which the reſt of the company conſiſted of her ſiſter, and her brothers. — Having no ſort of idea, that her huſband would refuſe ſo trifling an indulgence as that of ſpending one day with her family, though he did not chuſe go himſelf, he promiſed her father, and the next morning her brother called for her at her lodgings, to let

her know the father and the party were waiting for her; but it ſeems he called a little too early; Mrs. Amyott was about to get up in order to go, but her huſband held her down by force; and I fear, you will imagine I treſpaſs on truth, when I tell you that which is ſcarcely credible; that while he held her down with one hand, he ſtruck her repeatedly with the other, as one porter would thump an antagagiſt of his own ſtamp, or as *Mendoza* would belabour any other buffer in a pitched battle.—He then pinched her arms and breaſts black and blue, and tore the ear-rings from her ears, and beat her in a manner too ſhocking to relate.

Gentlemen, let me conjure you to view well the countenances of both the proſecutrix and the traverſer, and ſee *which* appears moſt to deſerve ſuch treatment.—It can be no trifling provocation, that could bring forward, to impeach her huſband, a beautiful, delicate, virtuous young wife, in a Court of Juſtice.—If a man had any ſenſe of decency left, after ſuch conduct, he would rather have fled the country, than come forward to juſtify ſuch conduct in the face of a Court. For ſuch conduct the traverſer, will probably, plead the authority of a huſband, but you will hear evidence, Gentlemen, to ſhew you, whether he behaved more like a huſband or a *butcher*.—The traverſer, Gentlemen, is of a country eminent for its politeneſs and attention to the Fair Sex, but he ſeems to have left his politeneſs behind him, and to have imported only the moroſe and ſavage part of his manners to this country. 'Tis true, "the age of chivalry is gone," but, I thank God, there is that manly ſentiment ſtill inherent in every Iriſh boſom, which will not ſee with indifference, *youth*, *beauty*, and *innocence* treated with

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wanton barbarity; and however high may be a Frenchman's notions of liberty, I thank heaven, the day is not arrived in this country, when husband's may drag their wives *a-la-lanterne*, with impunity; — that day, I hope, will never come.

Gentlemen, however extraordinary what I have told you, may seem, it will be corroborated by the Prosecutrix herself, and to her evidence, I must beg leave to refer you.

Mrs. Amyott being now called,

*Counsellor Walker for the traverser, addressed the Court.*—

My Lord,

"I confess, with Mr. Caldbeck, that this "is a very uncommon case indeed;" and I think the Gentlemen are going to substantiate it by very uncommon evidence. — They are calling on a wife to give evidence in a Court of Criminal Jurisprudence against her husband: but, my Lord, I conceive, that it is a principle in the law, that a wife cannot be examined as a witness either for or against her husband; and the principle is founded upon sound policy: It is to prevent perjury on the one hand, and implacable resentment on the other.— *Perjury*, because, if the wife were to be evidence for the husband, she might be led away by conjugal affection, to surpass the bounds of truth: and *implacable resentment*, because the intervention of friends may, and often does reconcile family quarrels; and, because, the recollection of a woman being cruel enough to expose her husband to the shame of a Criminal Trial, and being unkind enough to give evidence against him in a public Court, before a Jury of the country, must tend to widen the disagreement, to alienate the affection, and to render

render that intervention of friends, which might otherwiſe prove effectual, from ever attaining an end ſo truly deſirable, and ſo accordant to the humane heart.

I confeſs, my Lord, that in the 7th CAR. I. a wife was permitted to give evidence.—It was the Lord Audley's Caſe, and is reported in Hutton 115; and if ever there was a Caſe where unparallelled cruelty, where ſavage in decency called for the reſentment of a Court, and perhaps from that reſentment, to outſtretch the rigid rules of evidence, Lord Audley's was that Caſe. But, my Lord, afterwards, in the 12th of CAR. II. a contrary doctrine is held in Mary Grigg's Caſe, in Raymond's Rep. 1. Mary Grigg's was indicted upon the ſtatute of Jac. 1. c. 11. for, that ſhe had married a ſecond huſband, the firſt being alive, the firſt huſband was produced as a witneſs, to prove the firſt marriage; but the Court refuſed to receive his teſtimony, and ſaid, that a wife could not be admitted to give evidence againſt her huſband, nor a huſband againſt his wife, in any caſe except treaſon, becauſe it might occaſion implacable diſſention, according to 1ſt Inſt. fol. 6. and *they denied the Lord Audley's Caſe to be law.*—So that, my Lord, whatever authority the Lord Audley's Caſe might have, is ſhaken, if not totally done away by this ſubſequent adjudication. — Now, my Lord, I ſhall beg leave to mention another Caſe, becauſe I think the argument of it is in favor of the principal I have mentioned.—It is the Caſe of *John Browne*, 1 Ventris 243. He was indicted upon the ſtatute, for the forceably taking away and marrying one Lucy Ramſay of the age of fourteen years, and having five thouſand pounds portion; the Court thereupon declared their opinions, that ſhe was a good witneſs,

witneſs, for that there was one continued force upon her from the beginning till the marriage; wherefore, whatſoever was done whilſt ſhe was under that violence, was not to be reſpected here.—Then, my Lord, what is the argument? Not that a wife can be evidence againſt her huſband, but that a *quaſi* wife, if I may be allowed the expreſſion, one whoſe marriage is null and void, may be received as a witneſs; why, becauſe in fact, and in law, ſhe is not the wife.—What is the concluſion to be drawn? That, if in fact, and in law, ſhe were the wife, her teſtimony could not be admitted.

My Lord, from theſe authorities, and from a deſire to prevent implacable diſſention between the parties, but rather that every means may remain open for an amicable adjuſtment. I humbly truſt your Lordſhip will be of opinion, that Mrs. Amyott cannot be examined.

The Court agreed, that it was the general rule of law, that a wife cannot be evidence againſt her huſband; but this muſt be grounded on the preſumption, that other evidence can be had.—In the preſent caſe it was otherwiſe, for here a woman complains of aſſault and violence committed upon her at an early hour of the morning, when no-body in the houſe or neighbourhood was up, while ſhe was locked up in a room, and without the poſſibility of having any other evidence of the injury than herſelf and the perſon offering it.—If the evidence of the wife were to be rejected in ſuch a caſe, it would be a wrong without redreſs, a thing which the law cannot ſuppoſe to exiſt.—The Court, therefore, over-ruled the objections, and admitted Mrs. Amyott to be examined.

Mrs. Amyott, being accordingly ſworn, was examined by *Counſellor Kirwan*, for the proſecution.

Q. Your

Q. Your name, madam, is Mrs. Mary Amyott?

A. Yes.

Q. Do you know the traverſer, Doctor Amyott?

A. I do, Sir.

Q. Are you his wife madam?

A. I was married to him, Sir.

Q. Pray madam, how long have you been married to him?

A. About ten weeks, Sir.

Q. Do you recollect the 29th of April laſt?

A. I do Sir.

Q. Did any thing particular happen to you on that morning?

A. There did Sir, Dr. Amyott beat me.

Q. Be ſo good madam, as to ſtate to the Court and the Jury, the particulars of what happened to you on that morning?

A. It was Sunday morning, Sir, and there had been a diſtance between Doctor Amyott and my family, for ſome time before.—I had been to my father's on the night before, and my father aſked me to come the next day on a boating party of pleaſure with him, my three brothers, my ſiſter and brother-in-law, and I promiſed to come: my brother ſaid, he would call for me in the morning.

On Sunday morning, early, I was in bed at our lodgings in Fleet-ſtreet, a perſon rapped at our chamber-door, and ſaid my brother was below, and came to tell me, my Father and the party were waiting for me; Doctor Amyott aſked me where I was going, and I told him; but he inſiſted I ſhould not go, and he deſired the perſon who brought up the meſſage to tell my "*Blackguard brother*" to go about his buſineſs and that I ſhould not go with him.—I was endeavouring

deavouring to get up, but Doctor Amyott held me down with his left hand and ſtruck me ſeveral times with his right, on the head, face, breaſts, and arms; he pinched my ear, and almoſt tore my ear-ring out, and my ear was ſwelled very much.

He then got out of bed, and bolted the door, and went into the next room, I aſked him for a drink of water, which he gave me, and afterwards he began to beat me again.

*Q.* What was his motive for beating you the ſecond time?

*A.* His night-cap was on my pillow, and I threw it out of bed; it fell into ſome water on the floor, and he took it up in a paſſion, rubbed it to my face, and pinched and beat me again.

*Court.*—Pray, madam, what water was it into which you threw the night-cap?

*A.* Some water, My Lord, I had ſpilled out of the water-bottle before I drank from it.

*Counſellor Kirwan.*—Well, madam, what occurred next?

*A.* I began to cry aloud, and he told me, if I did not immediately hold my tongue, he would beat me a great deal more. When I ſat up in the bed, he thruſt me down again, and ſlapped and beat me ſeverely; I ſaid, I ſhould call murder, if he ſhould offer to beat me any more, and I ran to the window, but he dragged me back, and forced me into bed again; he locked the door, and hid the key, and then took away my clothes, and the bed-clothes, went into the other room and left me almoſt naked in the cold for two hours.

*Q.* Pray, madam, had you any marks of violence?

*A.* Yes, Sir, I was black-and-blue in ſeveral places, on my breaſt, neck, and arms, my ear was very much ſwelled.

*Croſs-examined by Counſellor Walker.*—Pray, Mrs. Amyott, what hour of the morning was it, when you were called, and told your brother was waiting for you?

*A.* It was about ſix o'clock.

*Q.* I am inſtructed, it was before five.—Pray, was Doctor Amyott invited to go?

*A.* No, They did not think he would go, if he was aſked, and ſo did not invite him.

*Counſellor Caldbeck.*—The learned Council will pleaſe to recollect it was a party of *pleaſure* on which Mrs. Amyott was invited.

*Q.* Pray, madam, did you tell your huſband when you came home the night before, that you propoſed going on this party, or did you aſk his conſent to your going?

*A.* No, I thought it would have been time enough to tell him in the morning.

*Q.* And pray, madam, did you think it a very prudent thing to leave your huſband's bed at ſix o'clock in the morning, to go on a pleaſuring party, not only without your huſband's conſent, but againſt his will?

*A.* I thought no harm in ſpending the day with my own family.

*Q.* You complain very much of cruelty on this morning in particular; now madam did not you make it up this morning immediately after you quarrelled, and were you not good friends together?

*A.* We were quiet enough after the time he beat me.

*Q.* Did not Doctor Amyott ſhew every diſpoſition to reconciliation and kindneſs: di

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he go at your deſire, and bring you ſome water?

*A.* He did, after an *hour's* aſking.

*Q.* Did he not give you ſome plumb cake?

*A.* He did, —but he beat me afterwards.

*Q.* Was Doctor Amyott in perfect health that morning?

*A.* I ſaw no ailment, except a little ſcratch on one of his fingers.

*Q.* Was not his hand and arm very much inflamed from that fore-finger, for a fortnight before, was he not unable to dreſs himſelf, or carve his meat?

*A.* No; — he dreſſed himſelf that morning.

*Council.* — Now, my Lord, we have evidence to prove, that Doctor Amyott, was at this time, very ſeverely afflicted by an inflammation in his hand, from a wound received on his finger, while diſſecting a dead ſubject, in the way of his profeſſion; and conſequently unable to offer the violence of which he is accuſed.

*Q.* Pray, madam, who were to be of the party?

*A.* My father, three brothers, my ſiſter, and brother-in-law.

*Q. By a Juror.* — How came it your huſband was not invited?

*A.* I have ſaid before, Sir, Mr. Amyott had fallen out with all our family, and he had for ſome time prevented me from holding any intercourſe with them.

*Juror.* Was not there a great *dryneſs* between you for ſome time?

*A.* O yes, Sir, a great *dryneſs.*

*Juror.* How came you then, not to aſk your huſband's conſent the night before?

*A.* I thought it was time enough in the morning.

*Counſellor*

*Counſellor Walker.* Now, pray, madam, did you do nothing to Doctor Amyott that morning?

*A.* No, except ſtruggling with him to prevent his beating me.

*Q.* Did you not ſcratch his face with your nails till the blood came?

*A.* I believe he was a little ſcraped.

*Q.* Pray, did you not ſtrike him with your elbow or heel, on the noſe, ſo as to blacken his eyes?

*A.* I believe there was and accidental ſtroke of my elbow, in ſtruggling, but I did not intend it.

*Q.* You ſay, you were terribly bruiſed, and beaten black-and-blue; and you lodged, I think, in the houſe of an eminent Apothecary, — did you ſhew him thoſe bruiſes?

*A.* No.

*Q.* Did you ſhew them to his wife?

*A.* No.

*Q.* Did you ſhew them to any one in the houſe?

*A.* Yes, to my ſervant maid.

*Q.* Did not you apply any remedy to them?

*A.* No.

*Q.* Did you ſtay within that whole day?

*A.* No, I went to my father's about one o'clock, and told him of the treatment I had received; I dined with my father that day, but returned home at night.

*Q.* By *Alderman Moncrieffe.* — Pray, madam, did you ſleep with your huſband that night?

*A.* I did, Sir.

*Q.* And did not he make it up with you that night?

*A.* No, Sir.

*Alderman M.* Poh! poh!

*Counſellor*

*Counſellor Walker.*—Pray, madam, when you ſwore thoſe examinations againſt your huſband, on the ſecond of May, did you not know, that he had been ſtruck, and groſsly abuſed, by one of your brothers, in the ſtreet, on the 30th of April?

*A.* I knew nothing about it.

*Q.* Pray, madam, who adviſed you to ſwear againſt your huſband?

*A.* I was not adviſed particularly by any one.

*Q.* Who ſupplied you with money to carry on the proſecution?

*A.* By *Counſellor Caldbeck.*—Her father did, and a very unnatural father he muſt be if he did not.

*Q.* Pray, did Doctor Amyott ever ill treat you before this morning?

*A.* He did, very often.

*Q.* How?

*A.* He was always ſcolding me, and every day laying down new rules of conduct, and always changing his mind, and treating me with peeviſhneſs, it was impoſſible to pleaſe him.

*Q.* Pray, how came you madam, to throw the Doctor's cap into the water; the poor cap was doing no harm.

*A.* I don't know, I did it out of *fun.*

*Q.* You muſt have been very funnily diſpoſed for a lady who had been but the moment before ſo cruelly beat and bruiſed—Pray, madam, what did the doctor do in conſequence?

*A.* He took the cap out of the wet and rubbed it againſt my face and pinched my ear.

*Q.* Then you through his cap into the wet for fun, and he for fun in his turn, waſhed your

your face with it.—Why, madam, there could be no great harm in this.—Pray, did he do you no other miſchief?

A. No, but he told Mr. Dalton in whoſe houſe we lodged, that if it had been in any other houſe than his, he would have killed me and that if he had got at the candleſtick without getting out of bed, he would have broke my arm.

*Evidence for the Proſecution reſted here.*

*Counſellor Walker for the traverſer, then ſaid,*

*My Lord, and Gentlemen of the Jury,*

I am in this Caſe of Council with Doctor Amyott, and I do admit, this is a very uncommon Caſe, to ſee a wife dragging to the bar of a Court of Criminal Juriſdiction, that huſband whom ſhe ought to love, and whom ſhe is in duty bound to reverence and to obey and I truſt, your verdict, and the reprobation of the Court will for ever prevent a revival of a Caſe as uncommon as it is unnatural.

Gentlemen, I agree alſo with Mr. Caldbeck that the Lady is extremely handſome; that ſhe has perſonal charms, ſufficient to attract the eye, and to delude the heart; but, Gentlemen it is not a ſet of features, or the tint of a ſkin that is to be admired; it is inward virtue ſtamps the female beauty.

Gentlemen, Mr. Caldbeck has deſired you to look upon the Lady, and alſo to look upon my Client:—do ſo, Gentlemen; I do not perceive any deformity in the perſon of Doctor Amyott; and if there was, the Lady had

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eyes; ſhe ſaw the Doctor before ſhe married him; and if he did not appear handſome, it muſt be ſuppoſed, ſhe diſcovered in him other beauties than merely thoſe of his form. — Be it as it may, ſhe took him for better for worſe, and ſhe cannot now complain. — It is a novel idea indeed, and ſuch as your verdict I truſt will never ſanction, that a huſband ſhall be convicted as a criminal in a Court of Juſtice, becauſe the wife is handſome, and has thought proper after marriage to find fault with his complexion, or for no other offence than his being, as you are told by the Council, not an *Iriſh Huſband*, but a *Foreigner*.

Gentlemen, I admit with Mr. Caldbeck, that the Lady is extremely young and happy; I am to do ſo, becauſe I conceive it is her beſt apology; I know well the youthful mind is eaſily impreſt; and bad advice and evil ſuggeſtions of deſigning or intereſted perſons will lead youth into many errors, and I moſt ſincerely hope, that the event of this day will convince the young Lady of the impoſition, that has been put upon her by falſe friends, and that ſhe will yet return to virtue and her huſband.

I acknowledge the law is, if an huſband takes upon him to correct his wife, he muſt do it with moderation; and the queſtion upon which you are now to decide is, whether Doctor Amyott on the occaſion mentioned, acted with ſavage ſeverity, or unmanly violence; and before I mention the nature of the evidence, which we ſhall lay before you, I ſhall beg leave to comment a little upon that which the Lady herſelf has given. — She tells you, Gentlemen, that her huſband had a diſagreement with ſome of her relations; that he forbad her to hold any intercourſe with them: and how

does

does ſhe obey this injunction? You find her ſpend the evening before the tranſaction complained of, with thoſe very relations, and accepting an invitation to go on a boating party the next day with thoſe very relations, and of which party her huſband was not to be one.

Gentlemen, Mr. Caldbeck has repreſented the unkindneſs, and the cruelty of reſtraining a wife from viſiting her relations; but, Gentlemen, there is an authority in one of the *oldeſt Law Books* in the world, which ſays, "a wife ſhall quit her Father and her Mother, "and cleave to her Huſband." It is ſufficient that it was his pleaſure, and ſhe ought to have obeyed.—Well,—her huſband is not even informed of her intention, nor is his leave required.—In the morning Doctor Amyott is awakened at a very unuſual hour: word is brought up that the Gentlemen are waiting for Mrs. Amyott to go on this party: the Doctor ſays ſhe ſhall not go: ſhe declares ſhe will: he holds her: ſhe ſtruggles: in the ſtruggle, ſcrapes his face in order to make him let go his hold; the Doctor, however, ſucceeds, and the conteſt for that time ends. In ſome little time after, the Lady prevails upon the Doctor to get her a drink of water: he does ſo, and not only gets her the water, but accompanies it alſo with a piece of plumb cake; ſo far certainly there was no barbarity: he ſhewed he was more willing to comply with her requeſt than ſhe was with his:—and, how does ſhe reward this kindneſs? She throws his cap indignantly out of the bed into a pool of water, and this, ſhe ſolemnly tells you upon her oath, ſhe did for *fun!* Now, Gentlemen, was this the conduct of a wife?—Was this a mode likely to conciliate matters, and to make the Doctor before diſpleaſed

diſpleaſed at her conduct, more placid and ſerene?—Well! what does the Doctor? he takes up the cap and waſhes her face with it!—O, *matchleſs cruelty!* how much exceeding the bounds of *moderation.*—O, the *ſavage, barbarous* treatment! but the Lady, indeed, proceeds; ſhe tells you, he beat her with his hand open, —with his hand clenched,—upon the face,—upon the breaſts,—nay, he held her down with one hand while he beat her ſo unmercifully with the other, and committed ſuch acts of violence upon her fair perſon, that, I confeſs, if the ſtory ſhe tells was true, I ſhould much wonder to ſee her here this day to tell the ſtory; and yet, Gentlemen, is it not very extraordinary, that this Lady lodged with a very eminent apothecary, though ſhe tells you ſhe had bruiſes on her neck, on the face, her ear ſwelled, ſhe never ſhews one of thoſe bruiſes to the apothecary, no, nor ever to the apothecary's wife: and who does ſhe ſhew them to? to the ſervant maid of the houſe! which ſervant maid the Gentlemen on the other ſide do not dare to produce, in order to corroborate her teſtimony.—Why, Gentlemen, reſting the caſe here, I think you could not heſitate,—you would not leave the box to find a verdict of acquittal.—But, Gentlemen, we will go into a caſe, and ſuch a caſe, as when fully proved, will, I am ſure, aſtoniſh the Court and the jury, and every perſon preſent, that this young Lady had not a friend to adviſe her againſt expoſing herſelf this day before her country and her God.—Gentlemen, our caſe is ſimply this, Doctor Amyott is a Gentleman of ſuch conſideration, he is a Doctor of Phyſic; King's Profeſſor of the French Language in the Univerſity of Dublin; and a Member of the

Royal Iriſh Academy.—He ſome how became acquainted with this young Lady, and attracted by that beauty, which Mr. Caldbeck has exhibited to you, and enlarged upon ſo much; he made her honourable propoſals, and as I am inſtructed, actually married her without a ſhilling fortune.—Gentlemen, we ſhall ſhew by evidence, that Doctor Amyott treated her with the tendereſt affection, that he was in fact a doating huſband; but an unfortunate miſunderſtanding having unhappily taken place between the Doctor and ſome of her relations, he deſired ſhe might not have any intercourſe with them; what that cauſe of quarrel was is totally immaterial to the preſent queſtion.—The young Lady did not obey this deſire; and on the morning which has been mentioned, the Doctor was alarmed at a very early hour, I think four or five o'clock, with a ſummons for Mrs. Amyott to go on a boating party: he certainly did reſtrain her from going; but ſo far was he from uſing the leaſt violence complained of, that we will prove to you, that from a wound in his hand, he was at that very time incapable of cutting his own meat, of even dreſſing or undreſſing himſelf, and that he was obliged to have the ſleeve of his coat cut and laced on account of the ſwelling in his arm.—We ſhall ſhew you, alſo, that the Lady being incenſed at the Doctor preventing her going on this boating party, and taking advantage of his helpleſs ſituation, actually fell foul on him, mangled and tore his face in a moſt ſhocking manner; gave him a contuſion on the noſe, two black eyes, and did ſo much injury to one of them, that he muſt undergo a very delicate and painful operation for it; nay worſe, that ſhe had the cruelty to tear the very dreſſing

dreſſings off his hand. — Gentlemen, we ſhall prove, that the Lady had no marks of violence upon her; on the contrary, that ſhe boaſted of her having beaten him; — declared, he was a *Coward*, to let her, and that ſhe would get him before the week was out a good beating from her brother.--Gentlemen, we will prove this caſe by witneſſes, whoſe credit and whoſe character cannot be impeached; and then, Gentlemen, it will reſt with you to find the Doctor guilty, becauſe his wife is handſome, and he himſelf a foreigner.

Mr. *Dalton*, ſworn, and examined by Counſellor Browne.

*Q.* Pray, Sir, do you know Doctor Amyott, the traverſer, and his wife?

*A.* I do, Sir.—They lodged ſome time in my houſe.

*Q.* Had you an opportunity of ſeeing their conduct to each other?

*A.* I had, Sir, very frequently.

*Q.* Pray, what was the conduct of the Doctor in general towards his wife?

*A.* Why, Sir, for ſome time before this tranſaction, the Doctor's conduct might have appeared ſomewhat exact; but it never appeared to be either cruel or ungentlemanly.

When the Doctor firſt brought his wife to our houſe, he obſerved in a friendly manner to Mrs. Dalton, that ſhe was a young inexperienced girl, and therefore requeſted Mrs. Dalton would have a friendly care of her. — We found in a little time, that Mrs. Amyott was perhaps too young and giddy to be in all reſpects amenable to her huſband's diſpoſition: Unhappily, ſome diſagreements aroſe between her huſband and her father's family, in conſequence, I believe, of ſome repreſentations on

the part of the Lady, of Mr. Amyott's auſterity. One of her brothers, I underſtand, ſtruck and otherwiſe ill-uſed Doctor Amyott, and in conſequence he had ſtrictly enjoined Mrs. Amyott to hold no connection whatever with her family.—She, I believe, thought this rather too hard, and did not comply; and this was productive of much diſagreement.—I thought it a pity that ſo much uneaſineſs ſhould ariſe between man and wife; and I did agree to interfere, and waited on the Lady's father, and did effect ſomething like a poſitive engagement, that Mrs. Amyott was to viſit him only, but was not to hold any communication with any other of his family.—This engagement, I am ſorry to ſay, was not obſerved, and the conſequence was, that new diſagreements aroſe.—The Lady would not be kept from her relations; Dr. Amyott was averſe to the intimacy, and matters went ſo far that the parties had agreed on a ſeparation.—The Doctor on this occaſion acted with the coolneſs of a man of buſineſs, but was no way impolite.

*Q.* Pray, Sir, had they any quarrel before this tranſaction?

*A.* Bickerings ſome times, but no violence of this kind.

*Q.* What was the nature of Doctor Amyott's behaviour to his wife, was it not kind and affectionate?

*A.* It certainly bore every mark of polite attention, but might rather be conſidered as ceremonious than affectionate.—I never in my life ſaw any conduct from the Doctor towards his wife, that was in the leaſt cruel and or ungentlemanly.

*Q.* What do you know of the buſineſs of the morning of the 29th of April?

*A.* Between

*A.* Between eight and nine that morning Doctor Amyott ſent for me, and brought me into his wife's bed-chamber; I did not think it was altogether delicate in him ſo to do.—He told his ſtory, and Mrs. Amyott told her's; I muſt confeſs, I conceived her conduct in the firſt inſtance very culpable.

*Q.* Pray, did Mrs. Amyott then complain of any marks of violence?

*A.* She ſaid, her neck and breaſt were black-and-blue, and her ear ſwelled, but the marks were gone.

*Q.* Then you ſaw no marks of violence upon her perſon?

*A.* No,—none in the leaſt.

*Q.* Did Doctor Amyott appear to you to be perfectly well that morning?

*A.* No,—I knew he was not well, for a fortnight before he was nearly in a ſtate of confinement: he complained of an inflammation in his hand and arm, occaſioned by a puncture or ſlight cut in his finger, received in diſſecting; and his hand and arm had been bandaged, and the ſleeve of the coat he wore was ripped at the ſeam and laced, in order to give his arm more room and eaſe.

*Q.* Had he any other ailment at the time you ſaw him that morning?

*A.* Yes,—His face was ſeverely ſcratched, that in ſome places the ſkin was removed, and the blood appeared.—He had a contuſion between his forehead and noſe, and an incipient darkneſs in both his eyes.

*Q.* Did he tell you how he came by thoſe marks?

*A.* He told me he received them from his wife; ſhe did not deny it, but the ſtroke over the noſe, ſhe ſaid, was with her elbow by accident

cident in ſtruggling; that ſhe was very ſorry for that, and did not intend it.

*Q.* Was it Doctor Amyott's left arm, or his right that had been hurt and tied up?

*A.* I can't be very poſitive now, but on recollection, I think it muſt have been the left, becauſe he told me the wound was given by himſelf in diſſecting, and conſequently I think it muſt have been inflicted with his right hand.

*Q.* Now, Sir, you ſay you know Doctor Amyott very well; is he a perſon of a violent diſpoſition?

*A.* I really believe him a perſon incapable of quarrelling with any body. — He is a mild, eaſy, polite man.

*Q.* Do you think it probable, that he could if he was ſo inclined, in the ſtate his hand and arm then were, have held down the Proſecutrix in bed, with that hand whilſt he beat her with the other?

*A.* I don't think he could be able to do with both hands before or then.

*Croſs-examined by Counſellor Caldbeck.*

*Q.* Pray, Sir, do Doctor Amyott and wife ſtill lodge in your houſe?

*A.* Doctor Amyott does, but his wife does not. — Immediately after this affair, we told Doctor Amyott, that we could not think accommodating any longer in our houſe a perſon capable of ſuch conduct as Mrs. Amyott; but to the Doctor himſelf we had no objection.

*Q.* Pray, has not the traverſer ſometimes abſented himſelf for a whole week together from his wife?

*A.* I believe he did it one time.

*Q.* What could be his motive for this, but it to go to *ſee his Uncle*, or what other could he have?

*A.* I believe it was to avoid altercations of this ſort.

*Q.* So then, this polite, peaceable Philoſophic Gentleman, was warranted in running away from his wife for a whole week, or fortnight together, and taking his own *fling*; but ſhe was to be left to ſigh alone without even the conſolation of converſing with her ſiſter, her mother, her brothers, or any of her relations.—Was this very tender or attentive?

*A.* I can't ſay it appeared well; but I am perſuaded the Doctor did it to avoid diſagreeable altercations, and meeting her brothers at his appartments, where they came contrary to his repeated directions.

*Q.* Pray now, Mr. Dalton, what ſort of lodgings did the traverſer take for his wife, after you thought proper to refuſe her lodging in your houſe?

*A.* I never was in thoſe lodgings.

*Q.* They are in the ſame ſtreet, I underſtand. Pray, in what ſpecies of houſe are they?

*A.* There are many ſpecies of houſes in Fleet-ſtreet; there are private houſes, and public houſes, and houſes of ill fame.—The houſe is to all appearance, as good looking an houſe as mine.

*Q.* Pray, is there not a back-houſe on the premiſes?

*A.* I believe there is.

*Q.* What kind of buſineſs is carried on in that back houſe?

*A.* I really do not know.

*Q.* Have you not heard that it is a common night-houſe; a ſort of Straw Bagnio, where Cadet Servants, and ſuch fellows pick up an odd night's lodging for three-pence a night.

*A.* I have heard ſome ſuch thing.

*Q.* And

Q. And do you conceive, Sir, that ſuch a place is a proper repoſitory for the character, virtue, and delicacy of ſuch a perſon as the wife of Doctor Amyott is?

*A.* I really do not.

Q. You have ſaid, Sir, that you never ſaw the Doctor treat this Lady with any cruelty or barbarity.—You mean, I ſuppoſe you never ſaw him take up the tongs, or the poker, and knock her down.—But there are other kinds of cruelty?

*A.* I don't mean that kind of barbarity, but I never ſaw the Doctor act toward her in any manner unbecoming a Gentleman.

*Counſellor Caldbeck.*—There are many things which Gentlemen might think polite and proper, which Ladies would think very cruel.

*George Corry*, ſworn.—I am apprentice to Mr. Dalton. On the 29th of April, between five and ſix in the morning, it was near ſix, I was awakened by a rapping at the ſtreet-door, and thinking it was ſome perſon wanting medicines, I got up and opened the door; a Gentleman was at the door, who, from a family likeneſs, I ſuppoſed to be Mrs. Amyott's brother, and he requeſted me to ſend up word to Mrs. Amyott, that her father and the party were waiting for her.—I went up to the chamber-door, and rapping, was anſwered by Mr. Amyott, to whom I delivered the meſſage; to which he anſwered, tell the blackguard to go about his buſineſs, ſhe ſhall not go.—I came down and did not deliver that meſſage, but told the Gentleman, that Mrs. Amyott was indiſpoſed, and could not go that morning, and he went away.

*Counſellor Walker.*—Pray, was the Gentleman drunk?

*A.* I

*A.* I really can't tell; it might be the Gentleman's manner.

*Counſellor Walker.* — I ſhan't preſs the queſtion.

*Mrs. Dalton ſworn and examined.*

*Q.* Do you remember the 29th of April, madam?

*A.* I do.

*Q.* Did you ſee Doctor Amyott that morning?

*A.* I did.

*Q.* Was there any thing remarkable in his appearance, when you firſt ſaw him?

*A.* There was.

*Q.* Be ſo good, madam, as to ſtate it to the Court and Jury?

*A.* When Doctor Amyott came down to breakfaſt, I was amazed and ſhocked to ſee his face all ſcratched, bruiſed, and bleeding in ſeveral places. — I aſked him what could be the cauſe, and, pointing to his wife, he ſaid, he had to thank that Lady for it. — I then aſked Mrs. Amyott, was it poſſible ſhe could have been capable of treating her huſband in that manner, and ſhe anſwered, "She did, and that he deſerved it; that he ought to be aſhamed of "himſelf to own it; that he was a weak man, "and a very weak man, and a *donny* man, "or he would not have let a woman beat him; "that he had attempted to beat her, but ſhe "had given him a *Mendoza* in the noſe, that "he ought to be poſted as a coward, and that "he ſhould pay for his conduct before the "week was out." — I then told her, it was a moſt ſhameful thing for any woman of character to be guilty of; that I would not for a thouſand guineas be ſuppoſed capable of treating my huſband in ſuch a manner; that none

but *Fiſhwomen* could be capable of ſuch behaviour, and as Mrs. Amyott had ſunk herſelf to that level by her conduct, it would be no longer agreeable to me to entertain her in my houſe.

*Q.* Did you ever know the traverſer to ill uſe his wife?

*A.* No; never.

*Evidence being cloſed,*

*Mr. Recorder addreſſed the Jury.*

GENTLEMEN,

You have heard the whole of the evidence in this extraordinary Caſe; and it would be to me as painful a taſk to repeat it, as I believe it muſt have been for you to have heard it already.

Gentlemen, though the law warrants an huſband in a moderate and reaſonable chaſtiſement of his wife, yet it warrants no man to treat her with cruelty, or intemperate violence. But in this point, protects the wife againſt her huſband's ill treatment as much as againſt that of any other perſon.—But if the little trifling quarrels which ariſe, often unaccountably, and frivolouſly, between man and wife, were to be made the ſubjects of Criminal Proſecutions in public Courts, there muſt be an end of domeſtic quiet, and all the good offices of friendly mediation, or cool reflection in the breaſts of the parties themſelves.—Domeſtic broils between man and wife, are more frequently the offſpring of caprice and mutual obſtinacy, than of any juſt foundation, or ſufficient cauſe.—The ſcene of diſcord, ſhould therefore be alſo the ſcene of reconciliation; and thoſe who were joined together for life, ſhould rather endea-

vour

your to bear mutually with the weakneſſes of each other, and avoid altercations and the cauſes of them, than make fireſide wrangles the ſubjects of mutual expence and mutual accuſation before a public Tribunal.—Such things, inſtead of removing the evil, are more likely to confirm it beyond the poſſibility of cure.

In the preſent inſtance, Gentlemen, you have been told by the evidence, that the wife had deviated from the injunctions of her huſband, that ſhe had ſlighted his authority, and reſiſted his lawful commands.—You have heard alſo, her evidence of the treatment received from her huſband on the occaſion; and you have heard the evidence of Mr. and Mrs. Dalton, on behalf of the traverſer.—If you, upon the whole, are of opinion, that the act of the traverſer amounts to wanton, or intemperate cruelty or violence, you will find him Guilty; if not, you will acquit him.

The Jury retired for an hour and fifteen minutes, and returned their verdict—NOT GUILTY.

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—CONNELLY, a Police Serjeant, was indicted for an aſſault and falſe impriſonment, on the Reverend Mr. Buchanan, on the night of Sunday, the 3d. of June, at Marlboro'-ſtreet.

He was again indicted for the like offence, againſt Walter Dillon, Eſq; at the ſame time, and place.

The *Reverend* Mr. *Buchanan*, ſworn.—ſaid, that on the above night, about eleven o'clock, he was going towards his lodgings,

from the place where he had dined, in company with Mr. Dillon, and another Gentleman. That as they went along the flagged way, they ſaw a man coming towards them, who, when they came within a few yards of him, ſtept off the flags, and immediately drew his hanger.—It was a moon-light night; and the witneſs ſeeing a man with a blue uniform-coat, white waiſtcoat and breeches, and cockade in his hat, drawing a hanger, imagined at firſt he might have been an officer belonging to ſome ſhip in the harbour, who might have been intoxicated, and diſpoſed to quarrel, or attack them: witneſs had a cane ſword, which, in his own defence, he drew partly out of the ſcabbard; but when he came up cloſe, and ſaw the man was a Policeman, he inſtantly returned the ſword to its place.

The traverſer bid them ſtop, and ſeized hold of the witneſs, who aſked him what it was he wanted? The Policeman inſtantly called ſome others to his aſſiſtance; the young Gentleman who was in company croſſed the way, and went up the ſteps a houſe, where he lodged, he was purſued by two Policemen, who ſeized him, and the witneſs underſtands he got away from them: Mr. Dillon was endeavouring to parley with the fellow, and ſo was the witneſs, but the traverſer ſtruck Mr. Dillon with his ſword and cut him over the eye, and otherwiſe ſeverely uſed him. — There was not the ſmalleſt ſign of riot, or noiſe in the ſtreet when the traverſer made his attack, the witneſs and his company were perfectly ſober, but the traverſer was drunk. The traverſer and his comrades, brought the witneſs and Mr. Dillon, to St. Thomas's watchouſe; but

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the Conſtable on duty there, ſeeing him drunk, and hearing the ſtory of the witneſs, and Mr. Dillon, would not receive the charge the traverſer and his aſſiſtants then brought them towards Mary's watch-houſe, and in their way they met a Counſellor D'Arcy, to whom they told the ſtory, and who ſaid, he would accompany them to ſee the matter out. When they came to the watch-houſe, the traverſer charged them with riot and tearing his ſhirt: Counſellor D'Arcy offered to bail them, but his bail would not be accepted. The traverſer offered to diſcharge them, if they would pay for his ſhirt, which he alledged they had torn; the witneſs and Mr. Dillon, ſeeing the ſort of hands they were in, and not caring to have their names mentioned, or have any trouble about the matter, wiſhed to give the traverſer a few ſhillings, and have done with the buſineſs; but Counſellor D'Arcy inſiſted they ſhould not, but that the fellow ſhould be puniſhed. He accordingly went and brought another Gentleman, and bailed them out.

In the morning they went to Alderman Moncrieffe's office, in order to lodge examinations; but found, that the traverſer had ſworn againſt them before, and Alderman Moncrieffe would not take croſs-examinations. They then went to Alderman Warren, who ſaid, he did not wiſh to have any concern with the buſineſs, and that he ſeldom or ever took any examinations.

From thence they went to the Crown-Office where their examinations were received.

Mr. Dillon was then ſworn, and exactly corroborated the evidence of Mr. Buchanan. He added, that when the traverſer and his aſ-

ſiſtants

ſiſtants fell attacked, and were dragging him to the watch-houſe, he told them, if it was his money they wanted they were very welcome to it and offered them a guinea, but intreated they might not drag or ill-treat him, but ſuffer him to walk quietly along; but they refuſed, draged him along violently, and thumped and pummeled him, beſide his being wounded over the eye, and on the head with the ſword of the traverſer; the witneſs had in his hand no weapon but a ſmall ſwitch, and never attempted to ſtrike the traverſer, nor was there the leaſt noiſe or appearance of diſturbance in the ſtreet, but what the traverſer and his aſſiſtants created.—The witneſs and his companions were perfectly ſober, had not drank more than a pint of wine each, at their dinners

*Evidence for the Proſecution being cloſe,*

A Policeman was examined on the part of the traverſer.—He did not ſee the commencement of the buſineſs, he only obeyed the call of his Serjeant in ſeizing Mr. Dillon and taking him to the watch houſe, Mr. Dillon offered him money to let him go, but he would not.

The Court, on ſumming up the evidence for the Jury, obſerved, that the offence in this caſe, which in any man would have been highly criminal, was conſiderably aggravated in being committed by a Policeman, and doubly ſo in being done by a Police Serjeant. It would be infinitely better for the Citizens to be left at the mercy of the common robbers, than to be taxed for the ſupport of armed men, who inſtead of defending ſhould attack them with aſſault and outrage.

The Jury inſtantly found the traverſers guilty of both indictments.

Sentence

Sentenced to six weeks imprisonment, and and fined four Marks.

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DENNIS TIERNAN, was indicted for assaulting THOMAS REILLY, of Suffolk-street, on the 6th of June last.

THOMAS REILLY, sworn.—says, he is a poor labouring man, with a wife and several children, and keeps an eating cellar in College-green.—That the traverser keeps a public-house at the corner of Suffolk-street, next Church-lane: it is a night-house for Chairmen. The witness had been one night in the traverser's house, and was a little in liquor, and a number of chairmen, who were there coaxed him to lay a wager, and by this means cheated him out of what money he had. The witness went the night following, which was the night of the assault, to Tiernan's house, and was asking some questions about the way he was cheated, and Tiernan and his wife attacked him; the wife struck him with an iron bar, and Tiernan knocked him down with his fist at the door, against the kirbstone of the pavement where he lay some time senseless, his head severely cut, and his arm broke, and he totally lost the use of it; he was confined seven or eight weeks under the care of a surgeon.

On his Cross-examination he admitted he went down to Rush on horseback about ten days after the assault, but it was because he had received a message from his wife, and

there lying at the point of death in a fever, who ſent him word, ſhe wiſhed to ſee him before her death.

*James Reilly*, proved his having taken the man up, when he was knocked down by the traverſer, and lying ſenſeleſs acroſs the channel.

On the part of the traverſer two men were produced, a chairman and a groom; one of whom ſwore, that he ſaw Reilly rioting in Mary's-lane, ſhortly after the night on which he had ſworn the aſſault was committed; and the other, that Reilly had told him, he had received the hurt in his arm by the horſe he rode to Swords, having fallen a-top of him.

The traverſer was found Guilty, and ſentenced to twelve months impriſonment, and a Fine of Fifty Pounds.

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DANIEL REILLY, was indicted for receiving, knowing it to be ſtolen, a Receipt of Latouche and Company, value 274*l.* 13*s.* 3*d.* dated 24th of March, the Goods of Charles Frizzell.

*Charles Frizzell*, ſworn, — Admits, that he had ſettled with Latouche and Company, and had been allowed the amount of the receipt.

The Court upon this, obſerved, that the indictment in this caſe was not ſupported; it was laid for ſtealing a receipt value 274*l.* 13*s.* 3*d.* whereas it appeared to be of no value, as the Proſecutor admitted he got his money without it.

*The Priſoner was acquitted.*

JAMES

JAMES FARRELL and FERGUS FARRELL, two eminent Diſtillers, of the Merchant's-Quay, were indicted for an aſſault and falſe impriſonment on RICHARD SULLIVAN, on the 15th of June laſt.

*Richard Sullivan*, ſworn, — ſays, he was a porter in the houſe of Meſſrs. Farrell.—On Friday night, the 15th of June, they accuſed him of ſtealing their Whiſkey, and ſeized him and brought him to their Office, and gave him in charge to the Police, and kept him confined in the Police Watch-houſe, from nine o'clock on Friday night until Sunday morning following.—It was James Farrell who gave the charge againſt him; on Sunday morning they ſent for him to the Police-houſe, and offered to withdraw the charge againſt him, and ſet him at liberty, if he would ſign a releaſe; but he refuſed, and ſaid, he would take the law of them; but one of them anſwered, it would be a fooliſh thing for a poor man like the witneſs, to go to law with them, and that beſide, the witneſs muſt know very well, they could get men enough in their ſtill-houſe, to ſwear any thing againſt him.

*Andrew Carty*, ſwore to the ſame effect.

*James Cruiſe*, ſworn,—ſays, he was principal Clerk to the traverſers, on the 15th of June, and remembers the circumſtance of the proſecutor's having been charged by the traverſers, with having embezzelled, or taken ſome Whiſkey, on the night of the 14th; and ſays, he was charged by Mr. James Farrell into cuſtody of the Police, and kept there until the Sunday morning following.

*Croſs-examination by Counſellor Browne.*

Q. Mr. Cruiſe, you ſay, you remember the night of the 13th June. -- Where were you on that night?

*A.* I was in Mr. Farrell's ſtill-houſe overſeeing the buſineſs.

Q. Then, I ſuppoſe all the Whiſkey there was entruſted to your care and vigilance?

*A.* It was.

Q. Did you ſit up the whole night?

*A.* I did.

Q. Were you perfectly ſober?

*A.* I was.

Q. Was there any of Mr. Farrell's Whiſkey embezzelled that night?

*A.* Indeed, there was not. — It could not have been embezzelled unknown to me, as I was particularly appointed to take care of the place and overſee every thing.

Q. Then you did not on that night ſee Richard Sullivan take away any part of thoſe goods entruſted to your care?

*A.* I did not, and muſt be a very bad man if I ſhould ſay I did; for the goods were in my own care, and could not be taken away unknown to me.

Q. Pray, Mr. Cruiſe, then, if any of the Whiſkey had been taken by the Proſecutor, or any other of the men that night, would not you yourſelf be conſidered as privy to it?

[Before the witneſs could give any anſwer to this queſtion, he inſtantly fell down from the chair, when he ſat; he was ſeized with a ſtrong convulſion fit, in which he continued above twenty minutes, on the table of the Court.]

The Recorder, with the moſt humane alacrity and attention, ordered the Court to be cleared,

cleared, the window and ſide-doors to be thrown open, and every poſſible aſſiſtance given to the witneſs; fortunately, two or three Surgical Gentlemen were in Court, who rendered every proper aid, and, after a little time, he recovered, but did not reſume his teſtimony.

*James Rattigan*, ſworn,—ſays, he is an aſſiſtant in Mr. Farrell's Still-houſe.—He remembers the night of the 14th of June.—Mr. Cruiſe, the laſt witneſs, was up in the Still-houſe that night to watch the work, but he got much intoxicated, and was ſinging and dancing about the yard, and incapable of proper vigilance.—The witneſs ſaw a quantity of Whiſkey clandeſtinely taken away that night by the Proſecutor, and frequently before, and he was reſolved to tell his Employer, Mr. Farrell.—It was, upon the accuſation of the witneſs, that the Proſecutor was ſent to the Watch-houſe and detained there; but, upon its being repreſented to the witneſs, by the Proſecutor and his friends that the matter would affect the Proſecutor's life, witneſs would not conſent to ſwear againſt him; and it was upon this account, that Mr. Farrell had withdrawn his charge, andſet the man at liberty; and witneſs underſtood that immediately after the Proſecutor went to law with his Maſter.

*Counſellor Browne* obſerved, that this conduct on the part of the proſecutor, verified the adage "ſave a thief from the Gallows and "he'll cut your throat."

The Recorder ſummed up the Evidence, and in his Charge to Jury, obſerved, this proſecution was one of thoſe inſtances of audacity and ingratitude which often and not undeſervedly puniſhed a miſtaken lenity. It appeared from the evidence of the laſt witneſs

that Mr. Farrell was highly juſtified in delivering up the Proſecutor to Juſtice.—The lenity of the man, who could have brought conviction home to him, induces that man to refuſe his evidence though he had brought forward the charge, and ſimilar lenity on the part of Mr. Farrell and his brother, induced them not to urge further a Proſecution, which would go to affect the life of ſo unworthy a ſervant; yet, the moment he experiences their humanity in liberation from his confinement, and the forgiveneſs of his crime, than he turns like the fabled ſerpent, to wound the boſom that cheriſhed him, and to puniſh by litigation and chicanery, inſtead of repaying with gratitude, the goodneſs of his Maſter.

*The Traverſers were honourably acquitted.*

RICHARD ROGERS and GEO. HUNT, were indicted, for aſſaulting *James Haſlett*, a Policeman, in the execution of his duty, the 9th of June, at the corner of Parliament-ſtreet, by knocking him down, and otherwiſe abuſing him.

*James Haſlett*, proved the facts, and the traverſers found Guilty.

MILES BARNWELL, was indicted, for ſtealing out of the dwelling-houſe of Anne Wood, one Gold Watch, value 5*l.* her property, on the 13th of July laſt.

*Timothy Neill*, ſworn,—knows Anne Wood, and ſays, ſhe loſt a Gold Watch out of her parlour, on the 13th of July, but cannot ſwear it was ſtolen by the priſoner.

*Priſoner acquitted.*

WALTER ROACHE, THO. ROACHE, and PATRICK HYNES, were indicted, for aſſaulting Chriſtopher Caſey, and forcibly and unlawfully taking from him a Cow, value 7*l.* on the 1ſt. of Auguſt, at Hammond-Lane.

*Chriſtopher Caſey*, ſworn,—ſays, he is a Butcher, and keeps a ſtall on his own account, and for the ſupport of his mother, and her other children, in New-Market.—On the 1ſt. of Auguſt, he bought a Cow in Smithfield, and left her in care with the Salemaſter, while he went home to borrow of his Uncle ſome money to pay for the Cow.—Having returned and paid the money, he was driving the Cow to his own place, and as he came through Hammond-Lane, he was met by the traverſer Roache, and the other two, who ſtopped the Cow, and inſiſted upon ſeizing her for a debt due by the witneſſes father.—Witneſs was endeavouring to drive the Cow away, and ſaid, the Cow was his own, and not his father's; but one of the traverſers ſtruck the witneſs a blow with his ſtick, and the witneſs being unable and afraid to make any farther reſiſtance, they drove the Cow away, and he never got her ſince, nor any value for her.—They never ſhewed the witneſs any Decree, or any other authority for ſeizing the Cow.

On his Croſs-examination,—witneſs ſaid, his father was a Butcher in New-Market, but was much in debt, and was obliged to leave his ſtall and quit buſineſs and Dublin; that his mother had ſeveral children beſides him, and that his Uncle aſſiſted him with money to commence buſineſs on his own account, in order to be able to aſſiſt his mother, and he ſwears poſitively,

poſitively, the ſtall and buſineſs, are his own, and not his father's.

The traverſer, Walter Roache, in his defence, did not deny the act of ſeizure, but alledged, it was under the authority of a Decree for a debt due to him by the traverſer's father, whoſe property he conceived the Cow to be, and adduced evidence to prove the Decree.

The Court obſerved, it was uſeleſs to examine evidence to that point, until they could firſt prove the property of the Cow to be Caſey's the defendant, in that Decree. The traverſers could bring no ſuch proof.

His Lordſhip then obſerved, that the law in due courſe gave the Creditor a power over the property, or perſonal liberty of his Debtor but the law at the ſame time, required the utmoſt circumſpection in the uſe of that power and took ſpecial care that no man, on any pretence, ſhould be unjuſtly deprived of his property, or his perſonal liberty, with impunity to the offender, or without ample redreſs to the injured. — In the preſent Caſe, the traverſers not content with miſuſing a form of law by ſeizing the property of one man for that of another, they violate the law itſelf, by aſſauling the very perſon, whoſe property they are unwarrantably taking away; and though it is evident, there was no felonious intent in the Caſe, yet it was the duty of perſons executing a Decree, to be well aſcertained as to the perſon or property, againſt whom, or which it was deſigned to operate. — The traverſer, Walter Roache, who was the Creditor of the Proſecutor's father, appeared to be the principal in this treſpaſs, and if the Jury believed him Guilty, they muſt of courſe include the other traverſers in the ſame verdict, for though the

might not be equally culpable, they were to all intents and purpoſes aiding and abetting.

The Jury found the traverſers all Guilty.

The Court fined Walter Roache 8*l.* and each of the others, as merely having acting under his direction 6*d.* each.

WILLIAM JACKSON, a conſtable, was indicted for an aſſault and falſe impriſment, upon Mr. *Warren*, an officer of cuſtoms, on the 21ſt of March laſt.

Mr. *Warren*, ſworn,—ſays, that on the 21ſt of March, he left his office in the cuſtom-houſe about two o'clock having ſome buſineſs to tranſact which required his attendance in George's-lane.—When he had come to that part of Abbey-ſtreet, between the New Cuſtom-houſe and Union ſtreet, he was overtaken by two men, and one of them, it was the traverſer, told him he had an action againſt him for five guineas; witneſs told him ſeveral times it was impoſſible; it muſt be a miſtake, and warned the traverſer repeatedly to be careful of what he was about, as witneſs was then going about the King's buſineſs: the traverſer was ſtill poſitive; witneſs aſked him to ſhew his authority, but the traverſer refuſed, and inſiſted on his immediately ſettling the buſineſs, or going with them; witneſs aſked them at whoſe ſuit the action was marked, and they anſwered, a perſon who kept a cloth ſhop in Skinner-row: he accordingly went with them up

up Abbey-ſtreet, and to Capel-ſtreet, and wanted them to come through Strand-ſtreet and the bye-ſtreets, and over the Coal-quay bridge, in order that he might not be expoſed, but they inſiſted on bringing him down Capel-ſtreet, and over Eſſex-bridge, which they did, refuſing even to allow him a coach, and brought him thro' Smock-alley, where he met a Gentleman whom he knew, to whom he related the circumſtance, and who went along with him to Skinner-row.—The two fellows took him into a little cloth-ſhop there, and pointing to the ſhop-keeper told the witneſs, that was the perſon.—Witneſs immediately aſked him if he had any demand againſt him: and while the ſhop-keeper was examining his books to ſee if he had any ſuch demand, the two fellows made off; and the ſhop-keeper after examining his books, declared, he had no demand againſt witneſs, and that he never did iſſue, or cauſe to be iſſued, any ſuch action againſt him,

On his croſs-examination, by Counſellor Browne, he admitted, that there was another perſon of the ſame name, an officer in the cuſtoms, that the traverſer had arreſted the witneſs himſelf once before, and admits, it was poſſible if he had ſuch an action, that he might have arreſted him through miſtake for another perſon of the ſame; but he ſwears, he believes he had no action at all, nor any authority, or he would have ſhewn it, when repeatedly aſked, and warned againſt his error, but that witneſs believes it was done with a view to extort money.

*The traverſer adduced no evidence on his defence.*

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The Recorder having ſummed up the evidence, obſerved in his charge to the Jury, that any perſon who takes away the liberty of another, does it at his own riſk; and if he acts at random, or in miſtake, his error is no compenſation to the perſon expoſed or injured. In the preſent caſe the traverſer appears to have acted, not only illegally but maliciouſly. For he not only wantonly refuſes to bring a man whom he arreſts, ſuppoſe it was even legally, through private ways, or even to indulge him with a coach at his own expence, but inſiſts upon dragging him at noon-day, down Capel-ſtreet, and over Eſſex-bridge, the very moſt public part of the Metropolis, in order wantonly to expoſe him to the public, and to any of his acquaintance whom he might chance to meet.

To arreſt *one* man for *another*, in the public ſtreets is a moſt henious injury, but to expoſe him in ſuch a manner highly aggravates the offence: a trader in embarraſſed circumſtances might be inſtantly ruined by ſuch an expoſure; if, therefore, the Jury believed the evidence of Mr. Warren, which was not only reſpectable, but ſtood wholly uncontradicted, his Lordſhip thought they could not heſitate to find the traverſer guilty.

The Jury accordingly returned their verdict GUILTY. — Sentenced to ſix Weeks impriſonment.

EDWARD MOLLOY, EDWARD BURN, and MICHAEL CONNELLY, were indicted for ſtealing five Sheep, the property of *James Farrell*, on the twelfth of June laſt.

*John King*, ſworn. — Says, he lives with Mr. Farrell, who is a Saleſmaſter, and he knows the priſoner Molloy: there were five Sheep loſt by Mr. Farrell on the twelfth of June, and witneſs was informed, they were driven into the houſe of the priſoner Molloy, who kept an eating-houſe in Hammond-lane, by the priſoners Byrne and Connelly. One Mallin, a Butcher in New-market bought ſome ſheep from Mr. Farrell, on Monday the 11th of June, and not having money enough to pay for all, he left *two* of them, and promiſed to call for them next day; but when he came the *two* ſheep and *three* others, were miſſing: witneſs went from one place to another in ſearch of them, and at laſt was told, they were driven to Molloy's; he went and ſearched the houſe, on Friday the 15th, and after ſome time found two ſheep wrapped up in a quilt in the neceſſary of the next houſe; they were both ſkinned: and he alſo found a quantity of freſh blood in the dirt-hole of Molloy's houſe.

Upon his croſs-examination, witneſs ſays he can't pretend to ſwear to the blood, nor to the mutton of the ſheep, or that thoſe he found were the ſame as ſtolen from Mr. Farrel.—His only reaſon for ſuppoſing they were was his being told, that ſheep were driven in there by the other two traverſers, who were Penny-boys in Smithfield market, and the clandeſtine manner in which he got the ſheep concealed.

*Margaret Smith*, ſworn, —ſays, ſhe lives as ſervant with a Mrs. Gill, in Hammond-lane next door to the houſe of the priſoner Molloy. That on Tueſday the 12th, ſhe was ſtanding at her maſter's door, and ſaw Molloy, and the two other priſoners, put in ſome ſheep into Molloy's houſe

houſe, and on the Friday following ſhe ſaw from a back-window in her Maſter's houſe, Mrs. Molloy placing a ladder againſt the wall that divided the two yards, and ſaw her climb up the ladder twice, and throw two ſheep over the wall into her Maſter's yard, and ſhe ſaw a man immediately afterwards come over the wall, cover the ſheep with a quilt, and put them into her Maſter's neceſſary-houſe; and thoſe were the two ſheep found there by the preceding witneſs.

The witneſs ſays, ſhe was bound over to give her evidence on this Trial, but that yeſterday morning Mrs. Molloy came to her Miſtreſs, and requeſted her not to ſend the witneſs to the Court, that the witneſs would be only fined twenty ſhillings, but that ſhe would give her a guinea.

The Recorder now ſummed up the evidence, and obſerved, there had been no proof to ſubſtantiate the facts laid in the indictment, for it was not proved, that either the Sheep alledged to have been driven into Molloy's houſe by Byrne and Connelly, nor thoſe found in the next yard, were the ſame ſtolen from Mr. Farrell.

*Priſoners acquitted.*

EDWARD MOLLOY, was again indicted for aſſaulting JOHN KING, by giving him a blow with a loaded whip.

*John King*, ſworn, — ſays, he is in Mr. Farrel's employment. — Molloy obtained a Fiat againſt the witneſs, under a charge of his having

ing falsely accused him of stealing Sheep; and the witness was taken by a Bailiff and brought to Molloy's house, and while he was in custody, Molloy gave him a violent blow on the head with a loaded whip.

No Defence.—Guilty.—Fined 10*l.*—imprisoned three months.

MICHAEL HARNEY, indicted for assaulting John Malone, in Abbey-street.

*John Malone*, swore to the assault.

*Mary Carroll*, proved that Malone struck first.

*Traverser acquitted.*

MATTHEW BRAY, was indicted for assault, and for rescuing from Judith Mc. Donough, a quantity of Household Furniture, the goods of the said Bray, lawfully distrained for rent, by Edward Mc. Donough.

*Judith Mc. Donough*, sworn,—said, she is the wife of said Edward Mc. Donough, and that the traverser was tenant to her husband for a cellar, at 7*l.* 10*s.* a year, and that her husband had been obliged to seize his goods for arrears of rent; but that one day, in the absence of her husband, the traverser, with a companion of his, brought a Bier, and carried the goods away.—Witness told him, if he took them away it would be at his peril, and the traverser said, let him see who dare stop them.

No other evidence appeared for the Prosecution; the Court observed, that the indictment was for an assault and rescue, but it did

did not appear from the evidence, that the traverſer had offered aſſault or perſonal violence to any one.—The removal of the goods under ſeizure, was ground for an action in trover, but not for a criminal Proſecution for aſſault.

Verdict—NOT GUILTY.

HUGH and ELENAOR FAGAN, were indicted for aſſaulting Thadeus Byrne, in a field near Ring's-End, on the 24th June.

*Thadeus Byrne*, ſworn, —ſays, that on Sunday morning, the 24th June, between eleven and twelve o'clock, he was going home from Dublin to his own houſe in Iriſhtown, and was wantonly aſſaulted by both the traverſers; the woman threw ſtones at him, and the man ſeized on him and knocked him down.—The only reaſon he can conjecture for ſuch treatment was, that the traverſer's child went to ſchool to him, and he was obliged to ſummons them for payment.

*Edward Caſey*, ſworn, corroborated the teſtimony of the aſſault.

*Verdict—Both Guilty.—Fined and Impriſonment.*

GEORGE LYONS and THOMAS BATES, were indicted for aſſaulting David Peters, Eſq; and his wife, at Crow-ſtreet Theatre, on Tueſday night the 12th June laſt.

*Counſellor Browne* ſtated the Caſe, and obſerved, that every perſon who had viſited Crow-ſtreet Theatre, in the courſe of the laſt ſeaſon, muſt have witneſſed the groſs indecency continually obtruded upon the Audience, from

that

that part of the houſe, called the Upper Gallery, an indecency ſo ſhocking to female delicacy, as that it had become inconſiſtent with that regard which every head of a family owed to the morals and delicacy of his wife and daughters, to ſuffer them to be preſent at Theatrical repreſentations. — The claſs of perſons from whom this kind of indecorum proceeded to the great annoyance of the reſt of the houſe, did not confine their inſults even to obſcene language, but followed it up with riotous noiſe, and perſonal inſult and aſſault, both to the performers and the audience. — No Lady or Gentlemen could ſit in any part of the houſe within view of the Upper Gallery, without being perpetually liable to perſonal abuſe; not only Orange-peels and Potatoes were conſtantly hurled from thence on the Stage, Orcheſtre and Pit, but ſometimes *glaſs bottles*, to the great terror and danger of all within their reach. — Notwithſtanding the repeated remonſtrances and advertiſements of the Manager againſt this practice, it was ſtill continued until at length he has been obliged to ſacrifice his own intereſt, and a part of the public convenience to the accommadation of the decent and reſpectable frequenters of his Theatre, by cloſing up the One Shilling Gallery entirely.

The Amuſements of the Drama, were ſanctioned in every polite Country of Europe, by the authority and protection of its Government, and if perſons of riotous or inſolent diſpoſition, were to aſſume a privilege of abuſe and inſult towards all perſons they met there and againſt whom they might or might not have previouſly conceived malice, there would an end of the protection, which the more decent, orderly, and reputable part of the Audience were taught to expect in attending the amuſement

amuſements of a public Theatre, ſanctioned by Royal Authority, and permitted by Law.

The Proſecutor in the preſent Caſe, was one of thoſe in whoſe perſons the privileges of the Audience had been inſulted; with a degree of ſpirit and perſeverance, highly laudable, he had now appealed to the laws of his country, and brought forward the offenders to anſwer for their conduct, and, he truſted, that the verdict of a Jury of reputable Citizens would convince every man, that they equally value the perſonal ſafety of their fellow ſubjects, whether in a Theatre or a Cathedral, and were determined to ſupport the laws for the protection of that ſafety under what pretence ſoever they might be violated.

The traverſer, *George Lyons*, ſubmitted.

But, *Thomas Bates*, having determined to traverſe.

*David Peters*, Eſq; was ſworn,—and depoſed, that on the night of Tueſday, the 12th of June, he went to the Middle Gallery of Crow-ſtreet Theatre, in company with his wife, and both ſat in the front-row, where they had not ſat long, when witneſs heard his name mentioned by ſome perſons, who were over his head in the Upper Gallery.—He heard them uſe ſome abuſive Epithets towards himſelf and his wife, and he turned about and looked at them.—Immediately after they began to call the witneſs many opprobious names, and alſo his wife, and threw down at them ſeveral Orange-peels, which hit both, and continued to abuſe them in ſuch a manner as to call upon them the notice, and expoſe them to the ridicule of the whole Gallery.—Witneſs is poſitive the traverſers were the perſons.

*George*

*George Lyons*, the ſubmitting traverſer, was deemed by the Court a competent witneſs, and was ſworn and examined at the inſtance of Mr. Peter's Council.—He corroborated the evidence of Mr. Peters.

*Verdict—Guilty.—Fine and Impriſonment.*

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JOHN KNIGHT, a Barber, was indicted for an aſſault and falſe impriſonment on the perſon of James Napper Tandy, Eſq.

*The Arraignment being read—*

*Mr. Armſtrong Fitzgerald*, as Agent for the traverſer, addreſſed the Court, and ſaid, That his Client ſtood in a predicament peculiarly aukward.—A Proclamation had been publiſhed in the different Newſpapers, under the authority of the Lord Lieutenant and the Privy Council, for apprehending J. Napper Tandy, Eſq; and ſurrendering him to the cuſtody of the Serjeant at Arms, and offering a reward of Fifty Pounds for the ſame; and his Client, Mr. Knight, being a man not in very affluent circumſtances, conceived he might as well have 50*l.* as another; did, therefore, for the ſake of the reward, and conceiving he was well warranted by the authority of the ſaid Proclamation, apprehended Mr. Tandy, on the 16th of April laſt, and ſurrender him as by the ſaid Proclamation was required.

That being indicted at the Proſecution of Mr. Tandy, for having ſo done, under the charge of an aſſault and falſe impriſonment, he had made frequent applications to his Excellency the Lord Lieutenant and Privy Council for the reward promiſed by their Proclamation,

clamation, and for the ſupport of Government upon his Trial, on a charge incurred by his compliance with the tenour of that Proclamation; and that their Clerk ſhould attend on his Trial with the original Proclamation, in order that he might juſtify his conduct under its authority. — That he had alſo petitioned his Majeſty's *Attorney General* for the ſupport of Government on his Trial: But that all his applications having proved ineffectual, and finding himſelf totally deſerted by Government, and not knowing but that he might have been inadvertently led into a breach of the law, where he conceived himſelf to have been acting by a legal authority; it was not his wiſh to aggravate any offence he might have committed, unwarily or inadvertently, by attempting a defence of his conduct; he therefore thought it would be more prudent to ſubmit, as a more likely mode of inducing the clemency of the Court, than to irritate it by a fruitleſs attempt to juſtify that which he was not prepared to defend.

The Court then gave him in charge to the Jury, upon his ſubmiſſion, who inſtantly returned their verdict GUILTY.

The Hon. *Simon Butler*, as Council for the Proſecution, immediately roſe, and having intreated permiſſion to treſpaſs by a few words on the attention of the Court, addreſſed the Recorder thus:

My Lord,

"I do moſt ſincerely regret the event of this Proſecution, an event by which the Public has been deprived of a Deciſion on a Great Conſtitutional Queſtion, by a Court in which they moſt deſervedly place the higheſt truſt and confidence.

"It is now evident, my Lord, that Government *dare not* meet the Queſtion.—That they dare not abide a Deciſion, which would manifeſt to the world, that the privilege aſſumed by the Houſe of Commons, over the perſon of Mr. Tandy was a *daring* Violation of the Liberty of the Subject, and that the Government have conſpired with that Houſe to faſten the rivet to the galling Yoke.—It is now evident, that Government are equally afraid to meet the judgment of an honourable Court, and the verdict of an honeſt Jury; for, after betraying publickly an unfortunate man into a breach of the peace, they now in a baſe and cowardy manner, leave him to his fate, the victim to their perfidy.

"When they had, under the aſſumption of legal authority, iſſued a Proclamation for ſeizing the perſon of a ſubject, it would have become them to come forward this day, and defend that proceeding, if they were able.—They ought not to have left it a matter of undecided Queſtion, whether the Proclamations of Government, with which the Gazette, and all the other Newſpapers, in the pay of Adminiſtration, ſwarm, are to be obeyed, or reſiſted by a free People, as agreeable or contrary to that Law by which alone a Nation ought to be guided.

"As to Mr. Knight, my Lord, I feel it unneceſſary to declare my Client has no feelings of animoſity againſt him.—Mr. Knight, I dare ſay, thought he had done no more than his duty, and *vainly* flattered himſelf with the hope, that the promiſe of that reward ſo oſtentatiouſly held forth by Government, would have been fulfilled.—Mr. Knight could not contradict the fact: he could attempt no more

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than to juſtify it; but the means of ſuch attempt of juſtification, have been withheld from him by thoſe in whoſe honor he had fooliſhly confided, and he now comes forward, ſubmitting to the clemency of the Court. — In this conduct, my Lord, Mr. Knight has certainly been well adviſed. It is not for me to ſuggeſt to your Lordſhip, any thing on the nature of the puniſhment your Lordſhip may think proper to inflict. — But as Mr. Tandy, has waved all enmity to Mr Knight, and as Mr. Knight has prudently ſubmitted, I truſt your Lordſhip will be of opinion, that the ends of this proſecution will be fully anſwered in the moſt lenient puniſhment your Lordſhip ſhall pleaſe to appoint."

*Counſellor Browne.* — My Lord, I am council on the ſame ſide with my honourable and learned Friend; and I ſhall trouble your Lordſhip with but a very few words on this ſubject. — The traverſer in this caſe, my Lord, having been deſerted by thoſe who ought to have defended him, has acted very prudently in ſubmitting at once to the clemency of the Court. For as a perſeverance in a good cauſe, would be eſteemed as firmneſs, ſo perſeverance in a bad one would be conſidered obſtinacy. — Mr. Knight, therefore, my Lord, has ſome merit in not attempting pertinaciouſly to defend, that for which he has not the means. — The only ſhadow of defence which he could have attempted to ſet up in this caſe, was his having acted under the authority of a Proclamation iſſued by the Lord Lieutenant, and Privy Council.—And in order to try the validity of ſuch a defence, the original Proclamation itſelf with the Great Seal annexed ſhould be produced,

and offered in evidence to the Court and Jury. This, Mr. Knight has it not in his power to do, becauſe he has been abandoned by that Government, on the faith of whoſe honour he relied, when he ventured to arreſt the perſon of a Citizen, who by an uniform line of Patriotiſm, in ſteadily reſiſting, upon every occaſion, the corrupt meaſures of profligate Adminiſtrators, has juſtly endeared himſelf to his fellow-citizens.

But, My Lord, as Mr. Knight has in this Caſe, prudently ſubmitted himſelf to the clemency of the Court, and as he appears to have acted only in error, and without any intent of perſonal injury to Mr. Tandy, I truſt his puniſhment will be the moſt lenient the nature of the Caſe can poſſibly admit.

*Mr. Tandy then addreſſed the Bench as follows:*

*My Lord,*

I ſhould not preſume to add a word after what the learned Council have ſaid on my behalf, but that I feel it right to expreſs my approbation of what they have profeſſed for me.—The ſentiments they have ſo ably expreſſed are perfectly congenial with my own; but there is a point or two on which I muſt entreat permiſſion to trouble this honorable Court with a few words.

As to Mr. Knight, my Lord, if I ever could harbour any reſentment, the deplorable ſituation to which he is now reduced, muſt not only obviate that, but claim my pity; he is now abandoned by a faithleſs and contemptible adminiſtration, who have neither the honor to maintain, nor the ſpirit to ſupport what they

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ſo vainly and oſtentatioſly promiſed. — But, my Lord, though they have thought proper to abandon this queſtion, I ſhall not abandon them; but convince the public in general, and my fellow-citizens in particular, by a proper and ſpirited appeal to the Laws of the Land, (*which our Governors ſeem to have forgot*) that the Rights of the Nation ſhall not be trampled on with impunity.

As to Mr. Knight, my Lord, it is but juſt I ſhould declare, that I am perfectly ſatisfied it was for the ſake of the promiſed reward he took me, in doing which, he certainly behaved himſelf with every degree of propriety, and perſonal reſpect, nor ſhould I have inſtituted this proſecution againſt him, but for the ſake of Public Juſtice. Therefore, my Lord, if I might preſume to add my humble requeſt, I would implore the Court, that his ſentence may be as mild and lenient, as the nature of the caſe can poſſibly admit.

The Learned Judge, having read over the examinations, in conſultation with the Aldermen who ſat with him, Alderman James, and Alderman Sutton, delivered the opinion of the Court nearly as follows:

"Having read over the examinations in concert with the magiſtrates, I find the priſoner ſtands indicted, for violently and unlawfully aſſaulting, and impriſoning James Napper Tandy, the proſecutor in this cauſe. The traverſer declines any defence or juſtification of his conduct, but admits, the charge and acknowledges himſelf guilty. — He not only admits the aſſault and the impriſonment, but he admits, they were unlawful, and conſequently he admits, that on whatever authority or pretence

tence he might have acted; that authority was not ſupportable by law.—'Tis not therefore my province to enter farther into the merits of the caſe, but to apply ſuch puniſhment as the law requires conſiſtently with the circumſtances of the caſe itſelf. The Law in offences of this kind requires a puniſhment *ejuſdem generis*, and therefore, in this caſe the proper puniſhment for aſſault is fine and impriſonment. And it is but juſt, that he who unlawfully takes away the liberty of another, ſhould ſuffer in his own.—However, in conſideration of the ſubmiſſion of the traverſer, and the liberal requeſt of the proſecutor and his council, that the puniſhment ſhould be as lenient as poſſible: The ſentence of the Court is, that you, John Knight, be fined 6d. and impriſoned three days to commence from the firſt day of this Seſſion."

JOHN ROBERTS, and SUSANNAH CADDEL, were indicted for ſtealing a Dirty-lane, in the City of Dublin, one promiſſory note, value 6*l.* 4*s.* 3*d.* and 20*l.* 9*s.* 6*d* in money the Goods and Money of Anne Kelly.

*Anne Kelly*, ſworn,—ſays, that ſhe lives in Dirty-lane; that on the Day mentioned, ſhe ſaw the money in a cheſt in a room behind her ſhop the moment before the Priſoners came in: nobody had been in that room but them except herſelf and a little Girl of eleven years old: and ſhe miſſed the money about eight o'clock in the evening. One of the Priſoners ha

had lodged with her before. She never knew the little girl to be guilty of any act of diſhoneſty.

There being no other evidence of the theft the Court in charging the Jury deemed this inſufficient to ſupport the indictment; the Priſoners were indicted for actually ſtealing, but no ſuch proof had appeared.

*Verdict — NOT GUILTY.*

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JOHN CLARY, a Boy of 14, was indicted for feloniouſly aſſaulting PATRICK FITZGERALD, on the King's highway with an intent to rob him, alſo a lad about 16.

*Partick Fitzgerald*, ſworn, — ſays, on the night mentioned in the indictment, he was going over the Coal-quay bridge, and was ſtopt by the priſoner, who put a knife to his throat, and bid him not dare to ſtir, and aſked him if he had got any money? The witneſs anſwered, he had no money; there were two other Boys in company with the Priſoner, but on ſeeing ſome people come up, they all run off; in leſs than five minutes, the witneſs with the aſſiſtance of a man who ſells ſecond-hand ſhoes upon the Coal-quay bridge, ſeized the the Priſoner, and brought him to the Police-houſe, where he was ſearched, and the knife which he put to the witneſs' throat found upon him.—Witneſs ſays, he had no knowledge of the Priſoner, except that he knew by ſight, having frequently ſeen him in the ſtreet.

The Priſoner in his defence, alledged, that the witneſs was his play-fellow, and that what he did

did was only joke. He produced no evidence of this, nor any as to character.

The Court, ſummed up the evidence, and in charging the Jury, obſerved, that the youth of the priſoner, might in a caſe leſs criminal and flagitious have ſome claims to humane conſideration. But when a criminal at ſo young an age, was ſo apt a pupil in the ſchool of villainy and depredation, as to ſtop a perſon in the ſtreet, and put a knife to his throat, at the age of fourteen, what exceſſes might not be expected from the maturity of ſo daring a novice. A conviction under the preſent indictment, his Lordſhip obſerved, could not effect the priſoner's life, becauſe in order to conſtitute a capital offence, in ſuch a caſe it was neceſſary that ſomething ſhould have been taken by the culprit from the perſon ſtopped. The moſt trifling ſum or article of value, would have rendered the offence capital; but no proof of any ſuch thing appeared, and therefore conviction would only ſubject the priſoner to tranſportation.

*Verdict* — GUILTY.

Sentence — *Tranſportation ſeven Years.*

MILES RILEY, was indicted for feloniouſly ſtealing on the 25th of June laſt 9 yards of Linen the goods of HENRY FREE.

*Henry Free*, ſworn, — ſays, he lives at Killiney, and that on the 25th of June late in the Evening, he was driving his carr down Townſend-ſtreet, on his way home along with his wife; this piece of linen, which he had bough

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at Killiney, was on his car; and a Gentleman of the name of Richard Hand, ſaw the priſoner take the linen off his car and run off with it: he told the witneſs and aſſiſted him in purſuing the priſoner into a gateway, and ſeizing the priſoner, who reſiſted, and ſtruck the witneſs, and they found the linen in his poſſeſſion. Witneſs ſays, he was entirely obliged to Mr. Hand, as himſelf being a poor man, muſt have had a ſevere loſs, as he ſhould have been obliged to pay for the linen to the perſon for whom he left to his care.

*Richard Hand.*—ſworn,—ſays, that on the Evening before ſtated, he was looking out at his firſt floor window, in Townſend-ſtreet, and happened to ſee a fellow taking a bundle off a Countryman's car: he immediately ran down ſtairs and told the Countryman, the preceding witneſs, what he had ſeen, and pointed out the thief, and they immediately followed the fellow, who ran into a gateway belonging to a Mr. Doolittle, where, when they attempted to ſeize him, the fellow being pretty ſtrong made ſome reſiſtance, and ſtruck both the Countryman and the witneſs, but they ſoon maſtered him, found the linen in his poſſeſſion, and brought him before Alderman Flemming, who committed him to Priſon. Witneſs ſays, the priſoner has been long notorious about the neighbourhood of Townſend-ſtreet for ſimilar offences.

*Juror.* — My Lord, this man is indicted for ſtealing linen the property of Henry Free, but this does not appear to have been proved, for Free himſelf ſays, it was the property of another perſon which he was carrying home.

*Court.* That is not material in this Caſe, the witneſs has ſworn the goods were in his charge, and that he was reſponſible, and muſt have paid for them if they had been loſt; therefore he had what the Law calls a Special Property in them ſo long as they were in his Care.—It would be a ſad thing indeed, if Thieves, ſuch as the priſoner, were to follow the trade of plunder with impunity, becauſe they only robbed men of property, not their own, but merely in their charge.

*Verdict—Guilty.—Sentence tranſportation for ſeven years.*

BARTHOLOMEW RICCARD, and —— CARNEY, were indicted for ſtealing one Cow, value 5*l.* on the 5th of June laſt, the property of Mary Blundell.

*William Cuddy,* ſworn,—ſays, he lives at Rathfarnham, and is in the ſervice of Mrs. Blundell; he knows there was a Cow ſtolen from Mrs. Blundell, on the day before ſtated, for he ſaw the Cow over night, and miſſed her about nine in the morning; he ſuſpected the Cow had been brought to Smithfield, and he immediately went there in ſearch of her, and enquired among the Penny-boys, to whom he deſcribed the Cow, and offered half-a-guinea reward to any of them that would find her out for him.—One of the Penny-boys brought him to a Saleſmaſter's yard where the Cow was among a number of others, and ſhewed him the Cow, upon which he immediately knew her, and he gave the Penny-boy the half-guinea reward.—He then enquired who had put the Cow into the yard, and demanded her of the

Saleſ-

Saleſmaſter's people, but they refuſed to deliver her up, ſaying, ſhe was put into their care by a Mr. Carter, of whom witneſs might hear by enquiring at Alderman Hart's Office. Witneſs went there and found Mr. Carter, who told how he came to have any thing to do with the Cow. — Witneſs knows Riccard's, that he lived about Rathfarnham, but never knew Carney before the day he found the Cow.

—— *Carter*, ſworn, — ſays, he was coming into town from a place called *Shillock*, and on the road met a Boy, of whom he aſked, what news?—To which the Boy anſwered, nothing ſtrange, but that there were two men driving a Cow up the road, that he believed was not honeſtly come by. — The witneſs coming thro' Channel-row, met the two men with the Cow, as deſcribed by the Boy, and he aſked them where they were going with the Cow? and Riccards anſwered, " ſhe was ſold," but witneſs replied, he believed ſhe was not ſold, and inſiſted on their driving her back to Smithfield, in order to give an account how they came by her. — Riccards refuſed, but Carney, who is a Penny-boy, immediately complied; upon which the witneſs ſeized Riccards, and had the Cow driven into Smithfield.— Riccards ſaid, the Cow was not ſold by him, but by another man, and he was only driving her down to King-ſtreet, to a man that bought her, but he could not tell the man's name. — Witneſs then had the Cow driven into the yard of Mr. Newman, a Saleſmaſter, and lodged Riccards in the Police-houſe. — Riccards ſaid, he would ſend for a witneſs, who could prove the ſale of the Cow, but he did not. — Witneſs then went and lodged information of the matter at Alderman Hart's Office, and left his name

and addreſs in caſe any one ſhould enquire.—Carney, when firſt deſired to drive the Cow back, immediately complied, and ſaid, he was aſked by Riccards to come and help him to drive the Cow, and knew nothing more about the matter, but when he found there had been half-a-guinea reward given for finding the Cow, he became urgent for his ſhare of the reward, which he inſiſted he had a right to, as he had driven the Cow into the yard.—Witneſs ſays, he knows Carney to be a Penny-boy in the market, but has no particular reaſon for believing *he* ſtole the Cow.—He never ſaw Riccards before that day.

When *Cuddy* went with witneſs to the Saleſmaſter's yard, he inſtantly pointed out the Cow, and ſwore to her before Alderman Hart, and then witneſs gave an order for him to receive her.

*Dennis Daly*, ſworn,—corroborated the teſtimony of the firſt witneſs.

The Court obſerved, that in the preſent caſe, the guilt of Riccards was palpable, if the Jury believed the evidence.—It was proved, he was an idle fellow, who led a lurking life about Rathfarnham; that on the very day this Cow was miſſing, he was caught in the act of driving her on an oppoſite ſide of Dublin, that he would not give any reaſonable account how he came by her, but had prevaricated in his account, when firſt charged with a ſuſpicion of theft, and could not adduce any evidence whatever of the means by which he became poſſeſſed of the Cow; but as to Carney, there was no proof of his guilt, except his being merely found in the company of Riccards, and aiding him in driving the Cow.—It appeared when he was

firſt

firſt aſked how he came by her, he ſaid candidly, he was only a Penny-boy, and hired by Riccards to aſſiſt him; that immediately, on being deſired by Mr. Carter, he had drove the Cow back, did not make any attempt to eſcape, or prevaricate in his ſtory, but was ſo far conſcious of his own innocence as to demand a ſhare of the half-guinea reward for finding the Cow.

*Verdict*—BARTHOLOMEW RICCARDS, *Guilty of ſtealing one Cow, but not according to the form of the Statute.—Sentence—Tranſportation 7 Years.*

CARNEY *not Guilty.*

OWEN LYNCH, ALICE DIGNUM, and BRIDGET DALY, were indicted for feloniouſly taking out of the Dwelling-houſe of the Right Hon. Lord Loftus, at Ely-Place, in the city of Dublin, one Receipt of the Right Hon. David Latouche and Co. value 100*l.* one Necklace value 2*s.* and one Pearl Shuttle, the Goods of the Right Hon. Lord Loftus.

*Mr. Knox*, of the Bank, ſworn, — ſays, that [the Priſoner, Owen Lynch, did on tender to him the Receipt now produced, for which he demanded the amount in money. —The man, on being interrogated, ſaid, he knew nothing of the matter, but was ſent to receive the money by Alice Dignum; that he ſuſpected the man from his manner, had not come fairly by the Receipt, and had come thro' ignorance to the wrong place, that he had from this conſideration, been induced to communicate the circumſtance to Alderman Flemming, who

who detained the man, and took charge of the Receipt, until he ſhould make further inquiry reſpecting the matter, of Lord Loftus himſelf. Witneſs knows nothing of Alice Dignum or Bridget Daly.

Lord Loftus, ſworn and examined,—ſays, he came to town on the day mentioned, to the Poſt-Office, and on his way called at his own houſe at Ely-Place, where he found a note from Alderman Flemming, requeſting him to call on the Alderman as ſoon as he came to town.—He accordingly did, and Alderman Flemming gave him this Receipt, (which he produces) and which had been locked up in his Lordſhip's preſs; and upon the Alderman telling him how the Receipt came to his hands, he traced it immediately to the aunt of the Priſoner, Alice Dignum.

His Lordſhip ſaid, that the Priſoner Bridget Daly was the only ſervant in his houſe, and conſequently he ſuſpected ſhe was concerned.—He went to his houſe, took with him Mr. Shee, a Police Inſpector, and rapping at his door, it was opened, and he ſtood there until Mr. Shee took Bridget Daly into cuſtody.—His Lordſhip was preſent when Shee opened her trunk, in which he found the articles now produced, an old-faſhioned ſtone-ſet Necklace in metal, and a Mother-of-pearl Shuttle for knotting-work, which his Lordſhip ſwears are his property.—They had been locked up in a cheſt of drawers, or preſs, in a bed chamber in the houſe, in which were kept his Lordſhip's Robes, and ſeveral articles belonging to Lady Loftus, who, on her going to England, took ſuch things out of the preſs as ſhe wanted, and left ſome others of no great value in it, amongſt which were this Necklace and Shuttle.—His Lordſhip alſo found

found a key in her trunk, which on trial, was found to unlock all the drawers of the preſs, except one, of which the lock was ſtrained.—When his Lordſhip taxed Bridget Daly with this robbery, ſhe exclaimed, "Her life was in "his hands, that her aunt had told her how to "get keys that would open the drawers, and "had adviſed her to open them, and ſhe con-"feſſed ſhe had done ſo." She at firſt denied it.—His Lordſhip had a maſter key for all his drawers, but this key ſhe had, ſhe ſaid, was an old maſter key ſhe found above ſtairs, and had it converted to this purpoſe.

Upon examining the appartments, his Lordſhip found the beds had been recently lain in, he ſuppoſed by ſome of her acquaintances.—She confeſſed her aunt had lain in the houſe.—There were two pieces of cotton or callico found in her trunk, which, ſhe ſaid, ſhe bought at 4s. a yard, which his Lordſhip underſtood were worth 8s. whichſhe certainly could not afford to purchaſe from her honeſt wages,—His Lordſhip then had Alice Dignum taken into cuſtody, and on aſking her how ſhe came poſſeſt of the Receipt? ſhe ſaid, ſhe found it in his Lordſhip's dreſſing-room; and, upon aſking her, who the perſon was to whom ſhe gave it to be paſſed at the Bank? ſhe ſaid, ſhe gave it to her friend, the Priſoner Lynch, and thought it no harm.

His Lordſhip produced the Receipt, which, he ſaid, he had got from Alderman Flemming, and that he might not be miſtaken, he had indorſed it.—He ſays, the Receipt was productive of no loſs to him, as he had ſettled an account with Meſſrs. Latouche, ſince it was loſt, and had been allowed the ſum.—He ſays, he uſed no threats of intimidation, or promiſe of lenity, to induce the Priſoner, Bridget Daly, to con-

confeſſion.—She has been in his Lordſhip's ſervice about eight months. — His Lordſhip has nothing farther to ſay reſpecting either of the other Priſoners Alice Dignum, or Owen Lynch.

*William Shee*, Police Inſpector, ſworn,—ſays, he went from Alderman Flemming's Office to attend Lord Loftus, on the day mentioned, at his Lordſhip's houſe in Ely-place, and by his direction went down to the kitchen, and ſearched the box of the Priſoner, Bridget Daly; ſhe told him, it was her box, and he found in it a pair of ſilver buckles, and ſome tea-ſpoons, which, ſhe ſaid, belonged to ſomebody in Ship-ſtreet; there was nothing elſe in that box but ſome foul linen and ſtockings. — She then referred him to another box in a room above-ſtairs, which ſhe ſaid was her's, and in that he found this Necklace and Shuttle, two pieces of Chintz or Callico, and a Play-book, marked in the manner that the Prompters of the Play-houſe mark out the parts.

On his Croſs-examination, witneſs ſaid, the Priſoner was not preſent when this box was opened.—Says, that Lord Loftus did not hold out to her in his preſence any threats or promiſes of lenity to induce her to confeſs her guilt.—Witneſs did ſay to her, "If ſhe had a "mind to ſave her neck, now was her time;" and witneſs told her any confeſſion ſhe would make to him that might prejudice her on her trial, he would not mention on her trial.

Upon being aſked, if ſhe made this acknowledgement of her guilt before or after this promiſe? The witneſs ſays, he believes Lord Loftus knew as much before as after the promiſe.

The Recorder then ſummed up the evidence, and obſerved, that with reſpect to *Owen Lynch*, it appeared, that ſo far as he was concerned, it

it was through mere inadvertency, and that he had no ſhare in the guilt. — With regard to Alice Dignum, it did appear, that ſhe was in point of intention equally culpable, if not much more ſo than her niece the other Priſoner, becauſe inſtead of adviſing her to honeſty and good behaviour as was her duty, under the tie of kindred, ſhe had adviſed and tutored her in the attempt to plunder her Maſter.—The only part of the plunder, however, which ſhe appeared to have received, was the accountable Receipt for 100*l.* which was as had appeared was of no value, farther than a mere voucher or memorandum, for Lord Loftus, it had been proved, ſettled his account with Meſſrs. Latouche, and was allowed his hundred pounds without this receipt; therefore, notwithſtanding the criminalty of her intentions, this was not ſufficient to convict the Priſoner. — But it was otherwiſe with reſpect to Bridget Daly, the property was found in her box, and the theft as well as the manner of her effecting it, acknowledged by her own confeſſion.—If it had appeared, that ſuch confeſſion had been extorted from her under any promiſes of lenity, it would have been ſufficient in law to convict her; no ſuch cauſe however, had appeared, and Lord Loftus had acted laudably in bringing her to Juſtice, for though the articles ſtolen are trivial in themſelves, the crime was not leſs, in a ſervant to obtain falſe keys to open and plunder the drawers of their Maſters, inſtead of guarding faithfully their property, and their houſes againſt the depredations of others.

*Verdict*—Owen Lynch *and* Aliſe Dignum Not Guilty.

BRIDGET DALY GUILTY *of ſtealing to the value of 6d.— Impriſoned one Month, and Fined 6d.*

JOHN DELANY, was indicted for feloniouſly aſſaulting, with intent to rob, John Ferne, in Dame-Court, on the 23d July laſt.

*William Hamilton*, a Policeman, ſworn,— ſays, on the night of the 23d of July, between the hours of nine and eleven, he was on duty upon his ſtand in Dame-lane, and he heard ſome perſon violently call out Police! Police! immediately afterwards, on going towards the place from whence the voice iſſued, he met three men running violently, one of whom was the Priſoner, he attempted to ſtop them, and the Priſoner pulled out a piſtol and levelled it at him, and ſnapped it, but it did not go off, and he immediately took him Priſoner.— Witneſs underſtands, that a perſon, who called himſelf John Ferne, went to the Police Watch-houſe and gave charge of the Priſoner, but he has not ſince appeared againſt him.

There being no evidence farther as to the fact, the Jury acquitted the Priſoner.

ROBERT GREGORY, was indicted for ſtealing eight pounds of lead from the roof of the Parliament-houſe, the property of our Lord the King.

*Garret Bulger*, ſworn,— ſays, he did not ſee the Priſoner ſteal any lead; he only ſaw him ſtanding by whilſt another man was cutting the lead.— The witneſs was reprimanded by the Court for ſwearing a robbery againſt any man upon ſuch frivolous ground.

*The Priſoner acquitted.*

PATRICK MACKEY, was inicted for ſtealing one Bridle, value 1ſ. and one ſaddle, value 3ſ. the Goods of Patrick Carney.

*Patrick Carney*, ſworn,—ſays, he lives at the corner of Stafford-ſtreet, and keeps a Dairy of Cows.—He loſt a Bridle and Saddle, but cannot ſay, whether they were ſtolen or not; he left them in his ſtable over night; they were gone in the morning; he knows nothing againſt the Priſoner, he knew him to be a ſervant, and believes him to be an honeſt man.

*Thomas Fleming*, a Policeman, ſworn,—ſays, that on the night on which the laſt witneſs ſwore to having loſt his ſaddle and bridle, he ſtopt the Priſoner, and found a bridle and ſaddle in his poſſeſſion, which Carney had ſaid, at the Diviſional-Office, were then ſtolen from him.

The bridle and ſaddle being now produced, the witneſs Carney would not ſwear they were his, and the Court ordered the Policeman to take them himſelf, as no Owner could be found for them.

*The Priſoner was acquitted.*

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CHARLES MORGAN, was indicted for violently aſſaulting Letitia Morgan, his own Mother, by giving her a violent blow with a poker, and ſeverely wounding her on the head.

*Letitia Morgan*, being called, appeared on the table, a decent, venerable elderly woman, with her face bathed in tears, — ſaying, her ſon had promiſed to behave better, and never to be guilty of the like again, that ſhe appeared

now in Court merely to ſave her Recognizance of 50*l.* and intreated the Court not to oblige her to give evidence againſt her unfortunate child.

The Recorder obſerved, that ſuch an act of monſtrous impiety to an aged Parent, ought not to go unpuniſhed, and appealed to the Jury, who, one-and-all entreated his Lordſhip not to diſpenſe with the woman's evidence, as ſuch an act of impious and profligate cruelty to an aged Mother, ought not to eſcape with impunity.

The Court then obſerved to Letitia Morgan, that ſuch an act of impiety from a ſon to his Parent, ought not be compromiſed in the face of the Court, and that ſhe muſt either give her teſtimony, or forfeit her Recognizance.

With much reluctance ſhe conſented to be ſworn,—and depoſed, that her ſon is a watch-maker, an eminent workman in his buſineſs, in which he ſucceeded his Father, who died ſome time ſince; that ſhe fears he keeps idle and profligate company, that he has often treated her with undutifulneſs, diſreſpect, and ill language; and that at the time of this aſſault ſhe gave him no other provocation whatſoever, than aſking him why he poked out the fire.

*Verdict — Guilty — Sentence — Impriſonment for ſix Months, and to give Bail of the Peace for 7 Years.*

ANNE BROWN, was indicted for ſtealing two Hanks of Yarn, the property of Henry Drew.

*Henry Drew* proved the theft, and that he ſaw the property taken out of her box; ſhe was one of his work-women.

*Verdict*

*Verdict—Guilty to the Value of 6d.—Sentence Impriſonment two Months.*

The Court then adjourned the Seſſions.

THOLSEL-COURT, Auguſt 1792.

The Seſſion was opened this Day, purſuant to Adjournment.

JAMES REGAN, JOHN GILLIGAN, JAMES BOYLAND, and JAMES CARTER, were indicted for ſtealing a Quantity of Lead, the Property of Mary Kilcavy and Son, on the 28th of July laſt.

*Elias Tardy*, ſworn,—ſays, he knows Mary Kilcavy and her Son.—They are Partners in a Sugar-houſe in Bull-lane.—There was ſome lead ſtolen from their houſe, but witneſs does not know who took it.—The Priſoners were charged only on the evidence of a Policeman, who ſaid, he ſaw two of them come out of the houſe.

*No other Evidence, the Priſoners acquitted.*

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CATHERINE BURKE, was indicted for ſtealing a Silver Butter-boat, value 3*l.* out of the Dwelling-houſe of Robert Bowes, being his Property.

*Mrs. Duffy*, ſworn,—ſays, ſhe is Houſekeeper to Surgeon Bowes, and a friend to his family, and the Priſoner had been ſervant in the houſe ſome weeks before this robbery.—On the night of the robbery, about nine o'clock,

o'clock, ſhe was ſitting with Mr. Bowes in the parlour, playing at cards; the ſervant man had been ſent out about ſeven o'clock, of a meſſage over the water, and left this Girl in care of the houſe; and about nine, witneſs heard the hall-door clap-to as if ſome one had gone out; ſhe then rang the bell, but no one anſwered; and on going down to the kitchen, ſhe found the Priſoner was not there.—The Butter-boat was on the table at dinner, and the plate was in the care of the ſervant man.—On his return, he went down to the kitchen, and ſoon miſſed the boat; he immediately alarmed the family, on finding the Priſoner was gone.—Witneſs cannot poſitively ſwear of her own knowledge, it was the Priſoner ſtole the Boat, but ſhe is convinced of it in her own mind, and to the beſt of her belief.

*Peter Lenahan*, ſworn,—ſays, he is ſervant to Mr. Bowes, and knows, that a ſilver Butter-boat was ſtolen from his houſe, and by the Priſoner, to the beſt of his belief.—This Boat, with ſeveral other articles of ſilver plate, were that day on his Maſter's table at dinner.—Witneſs brought them down to the kitchen, and gave them to the Priſoner to waſh; but about ſeven o'clock, and before witneſs had time to put up all his plate, his Maſter rang the bell for him, and ſent him over the water with a Card; when he was going out, he deſired the Priſoner to anſwer the hall-door, if any one rapped before his return.—On his return, he found the Priſoner was gone away, and he immediately miſſed the Boat, and never ſaw it ſince.—The Priſoner never returned afterwards, and was not heard of for ſix weeks, when ſhe was found living in the ſervice of a perſon in Mary's-Abbey.

A young

A young Gentleman, Nephew to Mr. Bowes, proved, that the Priſoner had been hired from a Regiſter-Office, and had produced a very good diſcharge, that he went at the requeſt of the firſt witneſs, Mrs. Duffy, to aſcertain the Priſoner's character, at the houſe of a Lady, whoſe diſcharge ſhe produced, and this Lady had given her a good character; but when the Lady was afterwards aſked, how ſhe could recommend ſuch a perſon, and told of the robbery; ſhe anſwered, ſhe knew nothing about the Priſoner; and witneſs adds, that it has ſince appeared, this pretended Miſtreſs of the Priſoner, was a woman of the town.

*The Priſoner's Defence.*

She ſays, ſhe did not run away abruptly from Mr. Bowes's houſe; that ſhe had given warning of her intention to leave it that very evening, ſo ſoon as ſhe had cleaned up her kitchen; that ſhe could not live in the houſe with the firſt witneſs, who had uſed her hardly; ſhe had ſent her to the Market to buy fiſh for dinner, and gave her only two ſhillings to buy a pair of Haddocks, when they were half-a-crown apiece; ſhe bought one for one ſhilling and ſeven-pence halfpenny, and Mrs. Duffy ſtopt a ſhilling of her wages for it; ſhe was therefore reſolved to ſtay no longer, and had told the witneſs Lenahan, ſhe was going out, and deſired him to take care of the door, for half an hour, and that ſhe never ſtole a pennyworth.—Mrs. Duffy knows that her former Miſtreſs, when enquiry was made, had given her a good character.

The Court now ſummed up the evidence, and obſerved to the Jury, that the dangerous traffic of late carried on by the keepers of Regiſter-

giſter-Offices, in recommending Thieves and Proſtitutes, to the ſervice of honeſt houſe-keepers, and if neceſſary, finding feaſible vouchers for ſuch characters, was become a dangerous, and alarming nuiſance.—Many honeſt ſervants, nodoubt, did reſort to ſuch Offices, but from the number of frauds committed through the medium of ſuch inſtitutions, it became extremely precarious to employ ſervants from ſuch places, unleſs recommended by perſons of known character and integrity.

The Priſoner appeared to be one of this ſort of ſervants, and a Lady was found to vouch for her diſcharge, and her character; ſhe is in conſequence received into a Gentleman's houſe, and takes the firſt opportunity of committing a robbery on the property left in her care, and this Miſtreſs who recommended her, when ſhe is again applied to, finds it convenient to know nothing about her, and turns out to be a woman of the town, and not improbably an aſſociate, and an accomplice.

With regard to the fact, though none of the witneſſes ſwore they actually ſaw her take the Boat, yet their teſtimony, which his Lordſhip recapitulated, amounted to the ſtrongeſt preſumptive evidence poſſible of her guilt.—The evidence of Lenahan, who left the Boat in her charge on his going out at ſeven o'clock, there being no other perſon in the kitchen, nor ſervant in the houſe; her pretending, as ſhe herſelf alledges, to go out for *half an hour*, and her abſconding inſtantly, and never being ſeen nor heard of till *ſix weeks* afterwards, by mere accident in another ſervice in Mary's-Abbey, amounted all together to a degree of preſumptive certainty, which it would be abſurd to doubt.

*The Jury found the Priſoner Guilty.*

*Sentence—Tranſportation 7 Years*

MARY FINNEGAN, was indicted for feloniouſly ſtealing from Eleanor Hanly, ſeveral articles of wearing apparel, the goods of the ſaid Eleanor.

*Eleanor Hanly*, ſworn,—ſays, ſhe keeps a cellar in Nicholas-ſtreet, and that the Priſoner lodged in her cellar; ſhe had alſo other lodgers, but ſhe is poſitive no chriſtian on earth ſtole her things but the priſoner. Witneſs got one of the ſhifts that was ſtolen from her, at a Pawnbroker's in Hanbury-lane, which was pawned there by the Priſoner: witneſs got the duplicate by which ſhe obtained her ſhift at the Pawnbroker's, from Alderman Flemming, the Alderman got it from a Policeman, and the Policeman took it out of the Priſoner's pocket, in the preſence of the witneſs: ſhe alſo got a yard of muſlin at another Pawnbroker's where the Priſoner had pledged it for 2s. 8d. h. and witneſs ſaw the duplicate for this, too taken out the Priſoner's pocket. She does not know the Priſoner to follow any kind of buſineſs, but believes ſhe is no better than ſhe ought to be, for ſhe uſed to ſtay out to all hours of the night.

*Priſoner's Defence.*

Put her to her oath, my Lord, whether ever ſhe ſaw me pawn any of her articles: I found the duplicates in the ſtreet. She has a cellar full of lodgers of all ſorts, and it is impoſſible ſhe can know who ſtole her things.

*Witneſs.*—By virtue of my oath, my Lord, there were not three lodgers in my cellar the night ſhe robbed me: and I ſtriving hard for a bit of honeſt bread.

*Martin Kelly*, ſworn, — as to the Priſoner's character, ſays, he knew her long; ſhe lived

by ſervice, and he often gave her diet and lodging, when out of place, for the ſake of her Parents whom he knew; and he never knew any harm by the Priſoner.

*Verdict*—GUILTY.

Sentence—*Tranſported ſeven Years.*

CHARLES SMITH, was indicted for feloniouſly ſtealing out of the dwelling-houſe of *John Crawford*, on the 11th of July, three yards of linen cloth, value 3*l.* the goods of ſaid Crawford.

*James Freeman*, a Policeman, ſworn,—ſays, he knows John Crawford, and that he is a Publican in Jervis-ſtreet. That on the 11th of July laſt, about five minutes paſt twelve at night, witneſs was on his duty in Mary's-lane, and ſaw a perſon run paſt him, it was the Priſoner, and ſuſpecting his appearance, ſeized him, and found the linen in his poſſeſſion; and the fellow being not able to give a ſatisfactory account of himſelf, witneſs lodged him in the watch-houſe, and ſhortly afterwards Mrs. Crawford came, hearing that a man was lodged there, and being ſhewn the cloth, knew it, and claimed it as her property.

*Jane Adams*, ſworn,—ſays, ſhe was a ſervant to John Crawford on the 11th of July, and this table-cloth was his property. The Priſoner, and two girls, and another young man, came late to her maſter's houſe and ate their ſuppers, and were drinking there, and witneſs attended them with liquor. Witneſs was called into the hall, to let ſome Gentlemen out, that had been up-ſtairs, and the Priſoner

ſoner and his company went out immediately at the ſame time. When witneſs returned to the tap-room, ſhe miſſed the cloth that was on the table where the Priſoner and his company ſat. Shortly afterwards, one of the ſame company, (it was one of the girls), came back, rapped at the door, and told witneſs, and her miſtreſs, that the cloth was ſtolen by one of her company, and that the perſon who took it, was in the watch-houſe, and her miſtreſs and ſhe went to the watch-houſe and brought with them another table-cloth made from the ſame piece, and found they exactly matched, and witneſs immediately recollected the Priſoner.

*Priſoner's Defence.*

The cloth was not taken by me, or any of my company, there was a parcel of girls drinking in the houſe, and they came out juſt after as they were going along one of them dropped this cloth, and I took it up.

*Witneſs.* — There were no girls drinking there but thoſe that were with you, drinking Whiſkey, until paſt twelve o'clock, and you all went out at the ſame time together.

*Verdict* — GUILTY.

Sentence — *Tranſportation ſeven Years.*

JAMES M'EVERS, was indicted for ſtealing out of the dwelling-houſe of Tho. Harvey, one Table-cloth, one Woman's Callico Gown, one Black Silk Gown, three Muſlin Aprons, one Silk Cloak, one Dimity Petticoat, and ſome other articles, the goods of the ſaid Tho. Harvey,

*Margaret Harvey*, ſworn,—ſays, ſhe is the wife of Thomas Harvey, and that he is now in Limerick; ſhe ſays, that on the firſt of May, before ſeven in the morning, ſhe loſt a conſiderable quantity of her wearing apparel from her lodging's in Winetavern-ſtreet.—She wore a good part of thoſe loſt the day before, and on the night before ſhe left them in her room next to that where ſhe ſleeps, ſhe ſaw all the clothes in that room before ſhe went to bed, they were ſtolen the next morning, ſhe does not know by whom, and at ſeven o'clock next morning ſhe miſſed them; ſhe called up the ſervant and made enquiry, but they were gone, and ſhe ſuppoſed that ſome door or window of the houſe had been left open, and a thief had got in.—Witneſs was coming down ſtairs to ſee if the hall-door was open, and ſhe found a pair of man's old ſhoes on the ſtairs, ſhe immediately mentioned the robbery to ſome of her neighbours, and about nine the ſame morning word was brought, that the robber was taken with the clothes upon him, and lodged in Werburgh-ſtreet watch-houſe, where ſhe went and found her clothes.—She never ſaw the Priſoner until ſhe ſhe ſaw him in the Police-houſe.

*John Morgan*, a Policeman, ſworn,—ſays, that on the 4th of May, coming home from his duty through Burrowe's-court, between five and ſix in the morning, he met the Priſoner with a large bundle of clothes on his arm, and walking in his ſtocking feet; he ſtopped him, and aſked where he was going with the things; and the Priſoner anſwered, they were old clothes he had bought; he laid hold of the Priſoner, who made reſiſtance, and the witneſs, with the aſſiſtance of two labourers, who were going to work, ſecured and lodged him in Wer-

Werburgh's watch-houſe. — The goods were brought to Alderman Flemming's Office, and the firſt witneſs ſwore to them there as her property.

*The Priſoner's Defence.*

My Lord, I was employed by a woman that I met in Michael's-lane, to carry the clothes; aſk the woman, on her oath, if ever ſhe ſaw me take the clothes, or if I was in her houſe that morning.

*Margaret Harvey.*—My Lord, when I came into the watch-houſe, I upbraided him with being the Thief that ſtole my things; and he ſaid, I had his property, for he left his ſhoes on my ſtairs.

*Sentence—Guilty—Tranſportation 7 Years.*

JANE O'HARA, was indicted for feloniouſly ſtealing, on the 13th of July laſt, at Exchequer-ſtreet, one Purſe, value one-penny, and 28*l.* 8*s.* 9*d*, in money, the goods and money of Patrick Morgan.

*Patrick Morgan*, ſworn, — ſays, he lives in the county of Down, and follows dealing in horſes, that on the 13th of July, about eleven at night, he was going up Graſton-ſtreet towards the Livery-ſtables in Exchequer-ſtreet, in company with another young man; he met the Priſoner at the corner of Suffolk-ſtreet with another; ſhe accoſted the witneſs, and ſaid, ſhe came from the ſame county; and witneſs having been in England for ſome months before ſelling ſome horſes, wiſhed to hear about his own family and friends, and entered into converſation with the Priſoner; ſhe walked with him

him until he came to the gateway of the Livery-yard, in Exchequer-ſtreet; ſhe was coming, he thought, rather too cloſe to him, and he deſired her ſeveral times to keep off; he had his hand firſt in his breeches pocket upon his money, and he juſt inadvertently ſhifted his hand to his boſom, and the Priſoner rammed her hand into his pocket and took out his purſe, containing the money mentioned in the indictment; he is poſitive he heard the guineas rattle, and immediately ſeized her hand and took out of it the purſe with ten of the guineas, the remaining fifteen ſhe had taken out and given to the other girl her companion, who immediately threw her hand towards her mouth; and witneſs thinks ſhe ſwallowed them, though he almoſt inſtantly ſeized her by the throat to prevent it, and ſhe was taken to the Police-houſe and ſtript naked, yet none of the money was found upon her. —Witneſs ſays, he was in her company about three quarters of an hour, that he was perfectly ſober, and he ſwears poſitively it was ſhe that put her hand into his pocket.

The Priſoner denied the fact, but produced no witneſs in her defence.

*Verdict* — GUILTY.

*Sentence* — *Tranſportation* 7 *Years.*

*Mary Elliott*, her companion, was indicted for receiving the Money, and found Guilty on the ſame evidence.

*Sentence* — *To be Pillored once, and impriſoned* 6 *Months.*

THOMAS CARBURY, was indicted for feloniouſly aſſaulting Samuel Griffith, in a certain

a certain Houſe near the King's highway, on the 25th of July, put him in dread of his life, and robbing him of all his clothes.

*Samuel Griffith*, ſworn,—ſays, he is an iron-founder, employed by Mr. Henry Jackſon; that about eleven o'clock, on the night of the 25th of July, he was going towards his home, and paſſing through Little Britain-ſtreet, he met the Priſoner and two other perſons, who ſtopped him, and inſiſted on his turning back; they got hold of him, and puſhed him before them into Croſs-lane, and puſhed him in an entry, and into a back-room of the houſe upon the ground-floor.—There was a ſmall candle lighting in the room and a chair; there was alſo a woman in the room, but ſhe went out; they made him ſit down, and the Priſoner took off his hat, took out his knee-buckles, and one of his ſhoe-buckles, tore out the other ſo violently as to ſink it into witneſs's inſtep.—They ſtripped him ſtark naked, in leſs than three minutes, and turned him out into a Ball-yard behind the houſe.—It was raining very hard, and witneſs was walking about the yard naked, not knowing how to get out, and not certain, but he ſhould be murdered; but the woman whom he ſaw in the room where he was ſtripped, came to him and let him out, and deſired him to ſay nothing, but make the beſt of his way home, which he did.

He came next day by the place, and ſaw the Priſoner coming out of the very ſame Ball-court and knew him to be one of the three, and the ſame who had taken his hat and buckles. Witneſs was then poſitive, becauſe he wore exactly the ſame dreſs.—He paſſed him twice before he would venture to be certain, but was then convinced it was him.—Witneſs then went

to

to the Serjeant of Mary's watch-houſe, and bid him bring a guard, and he came and took the Priſoner.—Witneſs ſays, when he was ſtripped he was perfectly ſober; in puſhing him naked into the yard, they puſhed him againſt the wall on all ſides, cut his elbows and ſhoulders, and cut him over the eye.

*Queſtion by Court.* Are you poſitive the Priſoner at the Bar, was one of thoſe who robbed you?

*Anſwer.* Why, my Lord, I cannot be very poſitive, I have no doubt on my own mind, but ſtill I am timorous leaſt it ſhould not be the ſame; I would not have proſecuted to ſuch an amount if I knew the conſequence.

*Court.* That can make no difference.—You ſay, you knew the Priſoner next morning?

*Anſ.* I did, my Lord, but ſtill I am timorous. I would not wiſh to take away the man's life. —I can't be very poſitive.

*Court.* And ſo for the ſake of your own timorouſneſs, you would expect other men to the hazzard of being robbed and ſtripped, and turned out naked in the ſame way by this man and his accomplices.

*Priſoner's Defence.*

My Lord, I never ſaw this man in my life, until the moment he had me taken.—I was down in the country at work making bricks, and the day was wet, and I juſt come up to town the day before this man had me taken.--My principal evidence is at Monaſterevan.

*Roſe Green,* a charwoman, ſwore the Priſoner ſlept on the night of the 25th of July, in his mother's bed, that ſhe ſaw him in bed at nine o'clock, and that he did not go out afterwards.

*The Priſoner was acquitted.*

MARY DORAN, was indicted for ſtealing one Poker, one Tongs, and one Umbrella, value 2*s.* 6*d.* the Goods of Richard Morpheth.

*Elizabeth Michlin* proved the facts.

The Priſoner produced no witneſs.

*Verdict GUILTY.*

*Sentence—One Week's Impriſonment.*

MARGARET ROONEY, was indicted for ſtealing, on the 28th of July laſt, five Shirts, one Silk Cloak, a Gown, and ſeveral other articles of wearing apparel, the goods of Martin Gray.

*Martin Gray*, ſworn,—ſays, he lives in King-ſtreet, Oxman-Town; on the 28th of July, about ſeven o'clock in the morning, as his wife and he lay in bed, he heard ſome noiſe in the next room, and thought it was his ſervant-maid, but calling her by her name, no anſwer was made; he then got up and perceived, that the clothes which were left on the table the night before were gone, while he was enquiring about them of his wife, he heard a buſtle in the ſtreet, and immediately afterwards his ſervant-maid came up ſtairs with the clothes in her apron, and ſaid, ſhe took them from a woman in the ſtreet.

*Mary Murphy*, ſworn,—ſays, ſhe is ſervant to Martin Gray, that on the morning of this robbery, ſhe went out for ſome water, and left the hall-door a-jarr, and a woman ſhe met chided her for leaving the door ſo; ſhe returned immediately, and went into the Parlour to ſee if a parcel of things ſhe had waſhed, and

had left there the night before juſt ready for her Miſtreſs to put up, but perceived they were gone; ſhe was much alarmed, and went out to ſee if any perſon was about the door with a bundle; and perceiving the Priſoner with one, run after her, and deſired to ſee what ſhe had in it.—The Priſoner refuſed to ſhew, but a crowd gathered, and the witneſs mentioned her ſuſpicions, and the mob inſiſted on the Priſoner's opening the bundle, when the witneſs immediately knew the things belonged to her Miſtreſs, and got them, and the Priſoner was taken to the Police-houſe.

*Verdict*—GUILTY.

*Sentence—Tranſportation 7 Years.*

JOHN M'CARTY, was indicted for ſtealing a Leaden Weight, value 6*d.* out of the Hall of Samuel Dick, Eſq; his property.

*Blaney C. Danvers*, ſworn,—Caught the Priſoner in the fact

*Guilty—To be whipped from the Linen-Hall to Newgate, and impriſoned a Week.*

TERENCE DOOLAN, was indicted for ſtealing a Pick-Axe, value one ſhilling, the Goods of Henry Peters, on the 24th July.

*William Peters*, ſworn,—ſays, he is Brother to Henry Peters, and paſſing through Charles-ſtreet, he ſaw the Pick-axe at an old Iron ſtall, kept by one Anne Kirkham, and knew it to be his Bother's, and told the woman, if ſhe did not find out the perſon ſhe bought it from, he

he would proſecute her, and he was afterwards told the Priſoner had ſtole the Pick-axe, and ſold it them.

*Anne Kirkham*, ſworn,—ſays, ſhe bought the Pick-axe from one James Kelly, not from the Priſoner.

*Acquitted.*

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JOHN BRIEN, was indicted for ſtealing 4lb. of Nails, value one ſhilling, the Goods of William Parker.

*Acquitted.*

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JOHN COLLIGAN, a boy about 12 Years, was indicted for ſtealing a Piſtol, value five ſhillings, on the 30th of July laſt, the Goods of Edward Flinn.

*Edward Flinn*, ſworn,—ſays, he is a Gun-maker, and lives in Naſſau-ſtreet; on the 30th of July, he was ſitting at dinner with his wife and apprentice, in the room behind the ſhop, and heard a noiſe at his ſhop-window, as if one of the panes was broke, and he immediately ran out to ſee who had broke it, when a country-looking man, told him a boy had taken a Piſtol out at the broken pane, and ran down Grafton-ſtreet; witneſs immediately followed, ſaw the Priſoner running and overtook him at the College Gate, and took the Piſtol from under his coat.

*Guilty—and ordered to the Diſcipline of the Penitentiary.*

ALICE KELLY, was indicted for ſtealing a Silver Watch, value 1*l.* the Goods of Edward Bracken.

*Edward Bracken*, ſworn,—ſays, that on this night three weeks, he met the Priſoner, and ſhe agreed to lie with him, and they went into a Cellar in Thomas-ſtreet, where they went to bed; after ſome time ſhe was rummaging until ſhe found the watch, and then got up and went out; witneſs got up immediately and went after her, and overtook her and charged her on the Police, and the Policeman took the watch from her.

*Richard Smith*, Policeman, ſworn,—ſays, on the night mentioned, he was on his duty at the corner of Vicar's-ſtreet, and ſaw the laſt witneſs running up towards him in his ſhirt, and told him he was robbed; he ſaw the Priſoner in the ſtreet, and the laſt witneſs ſaid, it was ſhe that had robbed him; he then ſeized the Priſoner, who told him ſhe had the watch, and if witneſs would hold his tongue, he might have his *whack* (or ſhare of the booty).

*The Priſoner's Defence.*

The man gave me money to let him lie with me, and when we went to bed he took it from me, ſo I took the watch and went out, and when he came after me, I gave it to the Policeman, and bid him give it to the Gentleman

*Verdict*—*GUILTY.*

*Tranſportation for* 7 *Years.*

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THOMAS EGAN, JOHN BYRNE, and PETER M'MANUS, were indicted for ſtealing

ſtealing one Plate of Beef, value 3*s.* and one Quarter of Lamb, value 3*s.* on the 11th of Auguſt, the Goods of James Deegan.

(M'Manus not brought up, being ill.)

*James Deegan*, ſworn,—ſays, he is a Butcher in Clarendon-market, and loſt this meat, that it was ſtolen out of his ſtall on Sunday ſev'nnight.

*Alexander Cartwright*, ſworn,—ſays, he is a Policeman, and between three and four o'clock in the morning of the 11th of Auguſt, he was returning from duty to his Guard-houſe, thro' Francis-ſtreet, he ſaw the Priſoners with a bundle, which he ſuſpected was got clandeſtinely, and he took them into cuſtody, and charged them with having ſtolen it.—They ſaid, they had bought it from a man in the ſtreet; witneſs then brought them to the watch-houſe, and charged them on ſuſpicion of robbery.—Mr. Deegan was told, that ſuch perſons were taken, and came to the watch-houſe, and gave marks and tokens of the Beef before he ſaw it, and when he ſaw it, ſwore to it as the ſame he loſt.

*Verdict*—GUILTY.

*To both*—*Tranſportation for* 7 *Years.*

ROBERT CASSON, was indicted for ſtealing one Deal Board, value 1*s.* the Goods of Robert Heartwell.

The only evidence tendered on the part of the Proſecution, was one of the people called Quakers, who ſaid, it was contrary to the rules of his Religion to take an oath, and as the caſe was a Criminal Proſecution, his ſolemn affirmation would not be received.

The Court obſerved, it was really a great pity, that Religious Scruples ſhould interfere

in

in caſes of this kind.—This fellow appears in the Dock regularly every Seſſions for thefts of this kind, and as he makes a point of robbing nobody but Quakers, he is ſure to eſcape.—The Court was pleaſed not to eſtreat the recognizance of the evidence, and the Priſoner was acquitted.

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JOHN MARTIN, was indicted for ſtealing 16 Iron Bolts, the Goods of the Grand Canal Company.

*William Ennis*, ſworn,—ſays, he is a labouring man, and was entruſted by the Grand Canal Company to take care of their materials, on a part of the new cut that joins the Liffey, and he ſleeps in a hutt built for the purpoſe of keeping tools and iron-work ſafe.—The Priſoner came to him on the evening of the robbery, and told him he was a diſtreſſed man, and aſked him leave to ſit down at the fire in the hutt: and witneſs ſaid, if you are an honeſt man, ſit down; it was after night-fall, and witneſs being fatigued with working all day, dozed a-ſleep.

He had thoſe iron-pin bolts in his poſſeſſion for eleven months, they were in a cheſt in the hutt, the key in his pocket.—As ſoon as the Priſoner ſaw him aſleep, he took the key out of his pocket.—Witneſs, after ſome time, wakened, and heard the Priſoner and ſome companion of his diſcourſing at the door, but he was afraid to ſpeak, and thinks if he had, they would have knocked out his brains with an axe that lay in the hutt; they went off about two o'clock.—Witneſs did not miſs thoſe Pin-bolts until morning, when a Policeman, who had taken

taken the Priſoner, came to him and aſked, if he had loſt ſuch things; and witneſs mentioned the ſeveral articles, and went with the Policeman and identified them.

*James Reilly*, a Policeman, ſworn,—ſays, that on the night the Wicklow Mail was robbed, he went out with a party of Police to patrole the Circular Road, on that ſide of the town, thinking ſome of the robbers might come that way, or be lurking about.—The party heard ſome men whiſtling in a field, and thought they might have been ſome of the fellows they were in ſearch of giving ſignals to each other. The party diſperſed different ways; witneſs went down to Ring's-End Bridge, and on the road he ſaw the Priſoner and another man together; the other had a hatchet in his hand, and the Priſoner had the bag now produced in Court, with the iron-pins in it.—Witneſs bid them ſtop, and wanted to take them into cuſtody, but the other man ſtruck at him with a hatchet, and he in return ſtruck the fellow with his firelock, but the fellow ran off, and the witneſs then ſeized the Priſoner, and brought him to the guard-houſe; and he ſaid, he got the iron at a hutt upon the Canal; and witneſs went and found the hutt, where the firſt witneſs was, and he deſcribed the things he had loſt, and ſwore to the iron pins.

The Priſoner on his defence, told a long ſtory of his being an American Sailor in diſtreſs, that he went away from the man's hutt, and a man overtook him with the bag, and the iron, and threatened to murder him if he did not carry it.—He produced no witneſs.

*Verdict*—*GUILTY.*

*Sentence*—*Tranſportation 7 Years.*

MARY

MARY BYRNE, was indicted for ſtealing a Gown, a Petticoat, an Apron, and 5*s.* 5*d.* in Money, the Goods and Money of Andrew Mullen.

*Margaret Mullen*, ſworn,—ſays, ſhe is the wife of Andrew Mullen; that the Priſoner lodged with her at her cellar in Francis-ſtreet; Witneſs was one night very much fatigued, and Priſoner was very urgent with her to go to bed early, which ſhe did, leaving the care of her place to the Priſoner, who, as ſoon as ſhe found ſhe was aſleep, robbed her and went off.—Some perſons in the neighbourhood ſaw her go out with a bundle, and came and awakened the witneſs, who got up, and found ſhe had been robbed.—Witneſs ſaw the Priſoner two months afterwards in Mary's-Abbey, and had her taken up.—Upon her Croſs-examination, witneſs ſays, ſhe was not drunk or intoxicated that night, and that ſhe did not find any of her clothes in the Priſoner's poſſeſſion.

*Elizabeth Whelan*, ſworn,—ſays, ſhe was ſitting on that night at the door with one of her neighbours, and ſaw the Priſoner come out of the cellar with a bundle, and ſhe remarked to the perſon ſhe was ſpeaking to, that Mary Byrne was going out with a bundle that hour of the night, and that perhaps ſhe was robbing the cellar; ſhe and the other woman agreed to go down, and ſhe ſaw Mrs. Mullen aſleep, and with much difficulty waked her, and when ſhe got up, ſhe ſaid ſhe was robbed.—Mrs. Mullen appeared to be a little in liquor.

The Priſoner ſays, that the firſt witneſs on that night was very drunk when ſhe came home late, with a young man ſhe had been out with the whole day.—The Priſoner was her lodger while ſhe was out of place, and was to have gone

gone to a place where ſhe would not be charged for her lodging that night, and ſtaid a long time waiting for the firſt witneſs, who, when ſhe came home, was not able to take off her clothes. The Priſoner, therefore, ſhe ſays, put her to bed, and then went to the place where ſhe was to have gone, and the bundle ſhe had was her own clothes.

*Acquitted.*

MARGARET HARDY, was indicted for ſtealing 12 Yards of Callico, value 3*l.* in the ſhop of William Pate, on the 28th July laſt, the Goods of the ſaid William.

*John Garnan*, ſworn,—ſays, he is Clerk to Mr. Pate, and that on the 28th July, between four and five o'clock in the evening, the Priſoner came into his ſhop, and ſtole a piece of Callico, about 12 yards.

*Q. by the Court.* Was this Callico the ſole property of Mr. Pate?

*A.* I believe it was, my Lord, I am not quite certain as to that.

*Q.* Has he any Partner?

*A.* His Father-in-law has, I believe, ſome ſhare in his buſineſs.—It is carried on in the name of Pate and Falkner.

*Q.* What name is over the door?

*A.* Pate and Falkner.

*Q.* Are Bills and Acceptances of the Houſe drawn as of Pate and Falkner?

*A.* They are, my Lord.

*Court.* Then, Gentlemen of the Jury, in this Caſe the indictment is not ſupported, for the Priſoner ſtands indicted for ſtealing goods the property of Mr. Pate, but it appears from the evidence, that the goods ſtolen are the property

of *Pate and Falkner*; and though I have no doubt as the Criminality of the Priſoner, yet it is my duty to ſee, that her trial is legally conducted, and to give her the benefit of any point which ariſes in her favour.

*The Priſoner acquitted.*

*Court.* Margaret Hardy, — You have eſcaped this time, not through your own innocence, nor the want of ſufficient proof of your guilt, but merely by a point of law, which ariſes in your favour; you are diſcharged for this time, go and betake yourſelf to honeſt induſtry, for if you come here again you won't eſcape ſo well.

PETER M'MANUS, was indicted for the ſame robbery, with THOMAS EGAN, and JOHN BRYNE, upon the evidence of James Deegan, and acquitted.

MARY KELLY, was indicted for aſſaulting Margaret Walſh, in July laſt.

*Margaret Walſh*, ſworn,—ſays, ſhe is a poor ſervant Girl, and only came up to town a few days before the aſſault, to ſee a Brother, who had been a long time at ſea, and who, ſhe heard was come to Dublin.—The witneſs was going down Exchange-ſtreet, about 8 o'clock in the morning, walking along the flagged way, there were ſome of the Police walking after her with ſome unfortunate women in their cuſtody, that they were bringing to Alderman Flemming's Police-Office, and witneſs

ſtepped

ſtepped off the flags to make way for them; the Priſoner was foremoſt, and a Police Serjeant had hold of her; witneſs looked aſide at her, and ſaid, "God help you, poor unfortunate "Girl to be in that ſituation;" when the Priſoner anſwered, "What's that to you, you "bloody Wh——," and immediately thruſt her hand through the arm-hole of her cloak, and with a knife ſhe held in her hand made a cut at the witneſs's throat, but being pulled back at the ſame inſtant by the Policeman, the knife only laid her cheek open to her gum from the back angle of her jaw-bone to her chin.—Witneſs gave her no provocation whatever, nor ſaid a word to her, but as before related, nor ever in her life ſaw her before that moment.—Witneſs went immediately and lodged examinations againſt her at the Police-Office, and has been ſince that time ſix weeks confined to her bed, and has pawned every article of her clothes to ſupport herſelf in her illneſs.

*Jane Moran*, ſworn,—Was along with the witneſs, and ſtrictly corroborated every tittle of her evidence,

*Verdict* GUILTY.

The Court was pleaſed to expreſs high reprobation of the horrid, wanton, and unprovoked cruelty of the Priſoner, and the ſhameful inadvertency of any Magiſtrate in taking examanations for a common aſſault in ſo flagrant a crime againſt the Chalking Act, which rendered the crime capital.—His Lordſhip told the Priſoner, that had ſhe been properly indicted, her puniſhment would have been DEATH, and it ſhould have been inflicted in the moſt exemplary manner; however, the leaſt puniſhment due to her crime, and the leaſt that public

Juſtice and public Safety required, was an exemplary impriſonment, and proper ſecurity againſt ſo dangerous a monſter, ſo great a reproach to her ſex.

*Sentence—Impriſonment two Years, and to give ſecurity of the Peace for 7 years afterwards.*

What is worthy of remark, the Priſoner never ſeemed in the ſmalleſt degree affected during the whole of her trial, nor did her countenance aſſume the leaſt ſyptom of horror or remorſe for the attrocity of her crime;—while a journeyman Butcher, about forty years of age, who ſtood by her ſide in the Dock, indicted for a ſlight aſſault of his Employer in a drunken fit, had his rough face bedewed with tears. (Though "*All-be-it, unuſed to the melting mood,*" from a ſenſe of ſorrow for offending his Benefactor, and the Proſecutor, ſoftened by ſuch a ſhower of ſenſibility, from a quarter ſo unexpected, forgave him, in the face of the Court.—The man's name was *George Nevin.*

The Court adjourned to the 2d of October.

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THOLSEL, Tueſday, October 2d, 1792.

This Day, purſuantto Adjournment, the Court was opened by the Right Hon. JOHN CARLETON, Lord-Mayor, and the Recorder.—The Seſſions, Grand Jury were impannelled and ſworn, and the Court adjourned to next day.

WEDNESDAY, Auguſt 3d.

PATRICK KENNY, was indicted for feloniouſly aſſaulting Brien Fay, on the 11th of Auguſt, on the King's highway in the city of

of Dublin, and putting him in great fear, and taking from his perſon a Silver Watch, value 1*l.* his property.

*Brian Fay*, ſworn, —ſays, he is a dealer in butter, and paſſing through Capel-ſtreet, about nine o'clock on Saturday night the 11th Auguſt, with a butter-baſket on his arm, and being much in liquor, two men joſtled him, and one of them ſnatched his watch out of his pocket, and ran away with it.—He does not know whether it was the Priſoner or not that robbed him.—He afterwards ſaw the Priſoner in the Police-houſe, and a Policeman ſhewed the witneſs his watch, and ſaid, he got it from the Priſoner.—James Roſs, a Policeman, now produced the watch, and the witneſs ſwears it is his property, and the ſame of which he was robbed on the night abovementioned.—He cannot ſwear it was the Priſoner robbed him, nor that he ſaw him on that night, being very drunk.

*James Roſs*, ſworn,—ſays, he is a Policeman; he was on his duty in Capel-ſtreet, on the 11th of Auguſt, and the witneſs told him that two men attempted to ſnap his watch, and that one of them had come back and told him the other was a robber, and *he* would ſee him ſafe home, and that this man took him under the arm, and turned with him into Strand-ſtreet, and knocked him down into an entry there, and took his watch from him.—He pointed out this man to the witneſs, and witneſs took him up and lodged him in the guard-houſe.—Next morning, when he was brought to Alderman Flemming's Office, Fay, the firſt witneſs, appeared.—The Priſoner finding he was to be indicted for the robbery, called the witneſs to him at the Dock, and told him if Fay would not proſecute, he ſhould have his watch, and he accordingly gave it up.—But,

after

after the firſt witneſs got the watch, he was ſtill for indicting the Priſoner, and witneſs ſeeing that, took the watch from him and gave it to Alderman Flemming.—Witneſs did not uſe any promiſes to make him confeſs, he made the propoſal of his own accord.

The Court, in charging the Jury, obſerved, that the Priſoner ſtood indicted for aſſaulting the Proſecutor, putting him in great fear, and robbing of his watch, value 1*l.* but it did not appear from the evidence, that the Priſoner had ſhewn any weapon, or uſed any threats, nor did the Proſecutor, in fact, identify the man's perſon, ſo that on this ground alone, the indictment was unſupported, and the crime would amount to no more in law than Grand Larceny, and not to what is eſteemed highway robbery. And had he been indicted Grand Larceny, the only proof of his guilt was from the evidence of his own confeſſion, and that ſeemed to be extorted from him under a promiſe of not proſecuting, but ſuch evidence was not legally admiſſible, for it is ſettled law, that if any man ſhall make diſcovery under ſuch a promiſe, ſuch diſcovery ſhall not affect himſelf, for it is made for the good of the public, and for it the good faith of the public is pledged to the man who makes it.

The Priſoner was acquitted, but the Court held him to bail of good behaviour for three years, himſelf in 20*l.* and two ſureties in 10*l.* each.

EDWARD TIGHE, a boy of 15, and EDWARD LORD, were indicted for feloniouſly aſſaulting John Keogh, on the King's highway

highway, putting him in fear, and taking from his perſon one green Cloth Coat, value 5*s.* and one pair of Caſſimere Breeches, value 1*s.* his property.

*James Hallogan*, a Policeman, ſworn,—ſays, that between twelve and one o'clock, on the night of the 12th of Auguſt, he was ſtanding on his duty at Mr. Foote's door, near Eſſex-bridge, he ſaw three fellows paſs him with a bundle; they ſtopt within about 15 yards of him, they opened the bundle, and were whiſpering together, and witneſs walked towards them, and ſeized Tighe, who had the coat and breeches on his arm; the other two ran away. —Lord was taken that morning, between three and four o'clock on ſuſpicion of another robbery, and brought to the Round-Church watch-houſe; one John Keogh came to the watch-houſe, and ſaid, the Priſoners had knocked him down on Eſſex-bridge, and taken thoſe clothes from him, which he was carrying home to repair.

John Keogh called, but does not appear; the witneſs does not know John Keogh, he told him he lived at No. 8, in Cole's-lane, and promiſed to lodge examinations againſt them, but did not.

The Court obſerved, the indictment for the robbery was not ſupported, as John Keogh did not appear to prove the Priſoners had robbed him.—The Priſoners acquitted.—Edward Tighe diſcharged, but Edward Lord, as an old offender, was held to bail of good behaviour for two years, himſelf in 20*l.* and two ſureties in 10*l.* each.—And the Court ordered the Policeman to keep the clothes for his vigilance.

CATHE-

CATHERINE BRYAN, MARGARET DOOLAN, and JOHN CARROLL, were indicted for ſtealing out of a back-kitchen, being an Out-houſe, belonging to Robert Hacket of Eſſex-ſtreet, on the 9th of Auguſt, ſeveral articles of Childrens Wearing-apparel, ſeveral Napkins, Table-cloths, Window-curtains, and other Goods, value 9s. his property.

*James Freeman*, ſworn,—is a Policeman, and knows Robert Hacket, and has heard that ſome things of his were ſtolen on the morning of the 9th of Auguſt.—Witneſs was on his duty at the foot of Eſſex-bridge next Capel-ſtreet, about five o'clock, he ſaw two young men, and two young women coming over the Bridge; he ſtopt the firſt two, one of them had a bundle, and he aſked them where they got it; and they anſwered, in Thomas-ſtreet; upon which he lodged them in the watch-houſe upon ſuſpicion of robbery: Theſe were the Priſoners, Margaret Doolan, and James O'Brien, who is ſince bailed out.—Witneſs does not know who bailed him, but the examinations were taken by Alderman Moncrieffe; the other two ran away up Ormond-Quay toward Eſſex-bridge.—It was Margaret Doolan who ſaid, they got the bundle in Thomas-ſtreet, and witneſs knew her to be a ſtreet-walker and proſtitute, and this was his reaſon for ſuſpecting and taking her up.

*Patrick M'Garry*, another Policeman, ſworn,—ſays, he was on his duty at the Lottery-Office, the foot of Eſſex-bridge, on the morning of the 9th of Auguſt; he ſaw four perſons coming over Eſſex-bridge, and two of them were ſtopt by the laſt witneſs, and the other two ran away up Ormond-Quay towards the Market.—Witneſs purſued them, and called out to the Police Patrole, who were coming down the oppoſite

oppoſite way, to ſtop them, which they did; witneſs ſeized the two, and while he was taking the napkins, window-curtains, table-cloths, &c. out of the Priſoner, Catherine Bryan's apron, the Patrole were ſo *buſy* looking at him, that they let the Priſoner Carroll go. — He *pulled Foot* over Eſſex-bridge, and down towards the Piazzas in Eſſex-ſtreet, and witneſs ran after him, crying, *ſtop robber!* and he was ſeized by the centry belonging to the Round-Church guard. When he was brought to the watch-houſe, he pulled a pair of ſtockings out of his breaſt, and offered them to the centry, but he would not take them, and then the Priſoner threw them into the corner of the watch-houſe. — The account he gave of himſelf, is, that he was a ſailor juſt returned from the Weſt-Indies, or Coaſt of Guinea, and that his Maſter gave him leave to go to ſee his friends, but I hear he is a returned tranſport.

*Verdict*—*GUILTY, to the amount of* 4*s.* 9*d.*

*Sentence*—*Tranſportation* 7 *Years.*

JANE CARNEY, was indicted for feloniouſly ſtealing four Silver Tea-ſpoons, value 4*s.* the Goods of John Fowler.

*Joſeph Villers Fowler*, ſworn,—ſays, the Priſoner was ſervant to his Father, and hired with him by the name of Anne Adams, in which name ſhe produced a very good diſcharge, when ſhe was ſent from the Regiſter-Office; and witneſs went to the perſon who had given the diſcharge, and ſhe gave a very good character of Anne Adams.—But it appeared ſince,

that the diſcharge muſt have been either forged, or fraudulently obtained from the real owner. —Witneſs ſays, that his Father was robbed of a variety of articles of plate, and theſe four ſpoons were found in the pocket of the Priſoner.

*Court.* How do you know the Priſoner ſtole thoſe ſpoons?

*Council for the Proſecution.* My Lord, the fact is, the Priſoner has broke open Mr. Fowler's preſſes, and robbed him of every thing ſhe could come at, and he indicts her only for ſtealing thoſe tea-ſpoons, merely that ſhe may be puniſhed without affecting her life.

*Mr. John Fowler*, ſworn, and the tea-ſpoons being produced to him,—he ſays, they are his property, and were ſtolen out of his Beaufet or Preſs, on the night of the 14th of Auguſt, and were given to him in the Police-Houſe, after being taken out of the Priſoner's pocket. The Priſoner hired with his wife on the 9th of Auguſt, by the name of Anne Adams; the articles of plate were uſually kept in a Beaufet in his parlour, and it was cuſtomary with his wife to lock them up there every night, but being rather ill on the night of the robbery, and confined to her own room, the Beaufet was not locked; the plate was there when he went to bed, but he miſſed it before ſix in the morning.—There were two large ſilver cups, ſix table-ſpoons, a ſugar-baſon and tongs, 12 tea-ſpoons, and ſeveral other articles of ſilver; beſides all his wife's beſt wearing apparel that were in the drawers.—His deſk was alſo opened, and a ten pound Bank Note, and five Guineas in money gone.—There were ſeven locks broke open in getting at all theſe things, and the Priſoner was miſſing, and had left the houſe before five o'clock.—It was on the requeſt of the

the witneſs's wife that he had not indicted the Priſoner capitally.

*The Priſoner made no Defence.*

The Court obſerved, in charging the Jury, that the felony in this caſe was clearly proved, but the manner which it was committed made his Lordſhip queſtion, whether Mr. Fowler was warranted for the ſake of his own feelings, to depart from his duty to the Public, in ſuch a kind of Proſecution for a crime committed under ſuch circumſtances, that it called for the ſevereſt and moſt exemplary puniſhment.—A woman coming with a counterfeit diſcharge, hireing under a falſe name, and thus foiſting herſelf into the confidence of a man's family, and the fulleſt acceſs to his property, and ſhe is ſcarce four days in his houſe when ſhe breaks open his locks, robs him of his property, and abſconds at an unſeaſonable hour of the morning.—The conduct of an highwayman, or an houſe-breaker is infinitely leſs criminal; againſt ſuch men it is poſſible to be guarded, but there is no guarding againſt a ſervant who is brought confidentially into a man's houſe, and intruſted with his property, and the lives of himſelf and his family. — It is really a pity ſuch a perſon ſhould eſcape the juſtice of the law.—His Lordſhip was convinced Mr. Fowler would find his lenity moſt egregiouſly miſtaken, and rewarded with ingratitude, for he rarely knew any inſtance where lenity had been extended to perſons of this deſcription, that they did not, almoſt as ſoon as they eſcaped, return to their old practices.—This example, however, ſerved to ſhew how cautiouſly people ſhould receive ſervants from Regiſter-Offices, a medium thro'

which ſo many frauds and robberies was daily effected.

*Verdict*—GUILTY.

Sentence—*Tranſported ſeven Years.*

The inſtant the Court paſſed ſentence, the Priſoner verified the prediction of the learned Judge, for the firſt words ſhe uttered were to imprecate a Curſe on Mr. Fowler and his Children.—The Priſoner was a young woman about twenty-five years.

MICHAEL DOYLE, was indicted for ſtealing a Great Coat, value 5*s.* the goods of John Wotton.

*Michael Kelſh*, ſworn—ſays he keeps an Inn in Church-ſtreet:—John Wotton was a gueſt in his houſe, and the coat was ſtolen out of his tap-room, as he was informed, by the Priſoner.

*Bryan Reilly* and *Mary Develyn* were afterwards ſworn and examined, but neither could ſwear they ſaw the Priſoner ſteal the coat.

*Priſoner acquitted.*

RICHARD OWENS and BARTHOLOMEW TIERNAN, were indicted for feloniouſly ſtealing, on the 16th of Auguſt, one Horſe, value 3*l.* and one Car, value 10*s.* the goods of William Sweetman.

*William Sweetman*, ſworn,—ſays, he is a Sandman and lives at Baldoyle; he brings ſand to Dublin, and was delivering a couple of ſacks at a ſhop in Charles-ſtreet, on the 16th Auguſt; he

he got a bad ſix-pence, and went to change it, leaving his horſe and car at the door, but when he came out, both were gone.—The horſe, if let alone, would have gone of his own accord to Boot-lane, where he was uſually fed with oats; but witneſs went there and could not find him, and ſearched all day until dark night, but could not find his horſe till next morning, when he was referred by two men he met on Queen's-bridge, to the ſtables of one Boſhell, where he found the horſe in the ſtable, and his car in the yard.—He then went to Alderman Hart's to get a warrant, and he then learned, that ſome Gentlemen had put the horſe and car in Boſhell's yard, and charged the Priſoners with ſtealing them.—Witneſs got his horſe and car.

*Stephen Dunphy*, a Policeman, examined,—ſays, he knows nothing about the horſe and car, but that a Gentleman and his ſervant, one Bartholomew M'Evers, charged the Priſoners with ſtealing a horſe and car, but did not come to lodge examinations againſt them.

*Priſoners acquitted.*

They were again indicted for aſſaulting Stephen Dunphy, a Policeman, in the execution of his duty, on the 8th of June laſt.

*Stephen Dunphy*, ſworn,—ſays, he took Owens Priſoner, on the 8th of June, on a charge of a robbery, for ſtealing a Pig; and that when he was conveying them to Newgate, he was attacked by a mob in Queen-ſtreet, who reſcued Owens from him, and he never ſaw him afterwards.—The Priſoners were handcuffed, and did not aſſault the witneſs, nor could not, but the mob attacked the Police Guard with ſtones, and obliged them to run into a gateway with their lives.

*Priſoners acquitted of the Aſſault.*

RICHARD OWENS, was again indicted for ſtealing a Pig, value 12*s.* the goods of Charles Reilly.

*Charles Reilly*, ſworn,—ſays, he lives in Stoney-Batter, that one night in June, he loſt a pig, it was ſtolen out of his back-yard, from a houſe in which it was uſually kept, and in which he had ſhut it up and haſped the door on it before he went to bed, and the pig could not poſſibly get out, unleſs ſome perſon outſide unhaſped the door.—The pig was taken away over a wall four feet high, and he found this pig next morning in the Police-houſe, and the Priſoner in cuſtody, charged by one of the Police, with having had the pig in his poſſeſſion. Witneſs does not know the date, but ſays, the Policeman has it down in his book.—He heard the pig ſqueeling about three o'clock, and got up in his ſhirt, and ſaw two Policemen, who told him the pig had been ſtolen, that they had the thief in cuſtody; the pig had run away, and they tracked her home, in order to find the right owner, and they brought the pig to the Police-houſe, and witneſs followed them there.

*Stephen Dunphy*, a Policeman, ſworn,—ſays, that a quarter before two o'clock, on the morning of the 8th of June, he was on his poſt, and he ſaw the Priſoner and another man coming by the corner of Grange-lane and Brownrig-ſtreet, the Priſoner had a pig upon his back, with the hind-legs about his neck, and the head hanging down behind him, and the other man walked after him, holding the pig by the ſnout to prevent it from ſqueeling; and there was a large ſow following them and grunting and *ſnarling*.—Witneſs ſuſpected their appearance, and ſtopt them, and aſked where they were going

going with the pig? They anſwered, "to Market;" upon which, witneſs ſaid, he muſt take him to the watch-houſe; the Priſoner ſaid, he brought the pig from Stoney-batter, and if witneſs would go along with him, he would ſhew him where.—Witneſs ſaid, he muſt firſt come to the watch-houſe, and the Conſtable might go with him, and immediately ſeized the Priſoner; the other man made off.—Owens let the pig fall, and twiſted himſelf out of the witneſs's grip, and ran down Queen-ſtreet after his companion; the witneſs called out to the next centinel to ſtop him, and he charged Bayonet, and both were taken, and brought to the watch-houſe.—The pig run away towards home, and the witneſs and his companion chaced her into her owner's yard, into the very place where ſhe uſed to be kept, and they found great difficulty in getting her out.—The pig did not leave his ſight the whole time above a minute, it was twilight, and he is poſitive the pig he chaced in Reilly's yard, was the ſame he got in poſſeſſion of the Priſoner.—It was a white pig, with ſome black ſpots.

The Proſecutor Reilly ſays, this is the fourth pig he has loſt within the laſt year by thoſe fellows, and ſeveral have been ſtolen in his neighbourhood.

The Priſoner in his defence, denied that he was the perſon; he ſays, he was coming up Queen-ſtreet and ſaw two men run faſt by him, that the Policeman turned the corner in purſuit of them, and took him in miſtake for one of the men.

*Dunphy* again examined,—ſays, he knows the Priſoner perſonally theſe five years, that no perſon paſſed his poſt that morning for an hour before, or after thoſe two perſons, and that

that he poſitively got the pig in the Priſoner's poſſeſſion, the other man was reſcued by the mob when the witneſs was taking him and the Priſoner to Newgate.

*Verdict GUILTY ſtealing a Pig, value 4s. 9d.*

The Court obſerved, that the conviction for *Pig-ſtealing*, was a Caſe entirely new, of which his Lordſhip never before remembered any inſtance at common law.

Counſellor *M'Nally*, ſtated a Caſe at the Seſſions of the Old-Bailey, where a man was indicted at common law for ſtealing a horſe, value one ſhilling; the fellow who ſtole it was a horſe-butcher, who dealt in dog's-meat, and though the beaſt was alive when he was ſtolen, yet he was ſo rotton with diſeaſe, that when he was killed, his very ſkin was uſeleſs, and the Jury found a verdict, *Guilty of ſtealing a horſe*, value 10*d.* and the Court ſentenced the Priſoner to impriſonment.

The Court was pleaſed to defer judgment until next day, in order to examine for a precedent.

When the Court came to this Caſe on the following day, his Lordſhip enquired of Counſellor *Caldbeck*, if he knew any Caſe of a conviction for Pig-ſtealing at common law, where the property was reclaimed at value.

Counſellor *Caldbeck* declared, the Caſe entirely new to him, he never met with any Caſe of indictment for Pig-ſtealing; but he preſumed, the rule of acting would be the ſame as in the caſe of ſtealing any tame animals for the uſe of man, as Poultry, Rabbits, or even tame hare, according to the value found by the Jury.

The Court coincided with this opinion, and on the laſt day of the Commiſſion, ſentenced the

the Priſoner to be publickly whipt up and down Smithfield, and impriſoned one month.

MICHAEL CONNOR and ROBERT CHAMBERS, were indicted for ſtealing on the 10th of Auguſt, one Sheet, value 4*s.* and one Barrel of Oats, value 10*s.* the goods of William Reynell.

*George Duke*, a Policeman, ſworn,—ſays, he apprehended the Priſoners on the 9th or 10th of Auguſt; he was on his duty in Dominick-ſtreet, about twelve o'clock at night, and two men paſſed him, one with a ſack full of ſomething on his back, and the other with a ſheet full.—Witneſs ſaid to the Patrole, theſe fellows have ſomething they have not got honeſtly, let us ſtop them.—Chambers and his companion croſſed into Britain-ſtreet, and the witneſs, and the Patrole followed them, and Chambers, who had the ſheet, laid it upon the ſtone poſt to reſt himſelf.—Witneſs aſked them where they were going with the oats? and Chambers anſwered, "You may eaſily gueſs, we are going to raiſe "a drink, and you may come along with us, "we'll give you ſome Whiſky."—Witneſs ſaid, he did not care to drink any, but they muſt come to the guard-houſe; witneſs charged Chambers, and the other watchman charged Connor.—They ſaid, they lived with a Mr. Johnſon, in Granby-Row, and that their Maſter's horſes were at a Livery-ſtable, that he gave them money to buy the oats, and that they had got the oats from a ſervant of their acquaintance, and agreed to drink the money.

A ſervant came to the door and aſked to ſee the Priſoners, and that ſervant aſked the Priſoner,

ſoners, how they came to take the oats? and they would not tell.—Witneſs told them, they had better tell truth, as perhaps their Maſter would not be ſo hard on them if they did.—Upon enquiry, no ſuch perſon as Mr. Johnſon lived in Granby-Row.—Connor was in a black livery, and next morning the Conſtable ſent a watchman to enquire about Granby-Row, what family was in mourning; on his return from Granby-Row, through a ſtable-lane, he traced ſome oats along the way to the ſtable-door of Mr. Reynell of Dominick-ſtreet, and upon enquiry, he found Mr. Reynell's family was in mourning, and that the Priſoners were his ſervants, and then they confeſſed they had ſtolen the oats from him.

*Q. by Priſoners Attorney.* Did you not ſay, that they were promiſed lenity if they would confeſs?

*A.* I ſaid, perhaps, if they would tell truth, their Maſter might not be ſo hard upon them, but I could not promiſe any ſuch thing.

*Court.* Is it to be ſuppoſed, that Mr. Reynell is bound to abide by the promiſe of a watchman made to a thief, wholly unauthoriſed by him; a watchman might at any time ſave a thief by this means?

*James Self*, ſworn,—ſays, he is a Policeman, and was with Duke when thoſe Priſoners were taken, and all that they could but be got to own was, that they were going to *raiſe a drop*, when the oats was traced to the ſtable in the morning, then the Priſoners owned where they brought it from, and told how they got it out of the Binn; Mr Reynell was told of the theft, and went with witneſs on the loft where the *Oat Binn* was kept, he found the lid of the Binn kept open by a Curry-comb, and a ſhovel lying

ying on the loft, which was never there uſually, as the Priſoners had deſcribed.

The Court, in giving charge to the Jury, commented with juſt ſeverity upon the nature of the offence. — His Lordſhip obſerved, that there were more robberies in this way committed in and about Dublin upon Gentlemen by their own ſervants, than in any other way whatſoever; and therefore it was an evil which called for the moſt ſevere and exemplary puniſhment. — The Priſoners in the preſent caſe had become the victims of their own drunkenneſs, for the ſake of *raiſing a drink*, as they termed it.—They pick their Maſter's locks, and rob him of his corn, inſtead of preventing him from being robbed by others. — A robbery which would be highly criminal in any other perſon, becomes doubly aggravated in a ſervant, becauſe he breaks through that allegiance which he owes his Maſter, practices thoſe villainies againſt his property, from which it is his bounden and confidential duty to guard him againſt in others.—A Maſter may be guarded againſt open robbers, but it is impoſſible for his utmoſt vigilance to protect him againſt his own ſervants, if they are baſe enough to wrong him.—Hence as exemplary puniſhment became neceſſary to deter other ſervants in the ſame quarter, the ſentence of the Court was, that the Priſoners be *impriſoned* one month, and *publickly whipped* through the ſtreets in the vicinity of Rutland Square.

ELIZABETH JACKSON, and JOSEPH WINTER, were indicted for feloniouſly taking 1*l.* 14*s.* 1*d.* h. in money, the goods and money of Joſeph Grimſhaw.

*Joſeph Grimſhaw*, ſworn,—ſays, he is a Serjeant of the 35 Regiment.—That one night, it was the 12th or 13th of Auguſt, his Commanding Officer deſired all the men of his Regiment out of the Barrack to be called in.—Witneſs went to a Public-houſe in Barrack-ſtreet, where ſome of the men were drinking, to order them home; the Priſoner was drinking in the houſe, and was ſtopt for a penny of her reckoning; witneſs thought it was a pity to ſee a woman ſtopt for a penny, and ſo took out ſome money and paid it.—The woman followed him to the door, thanked him for his civility, and aſked him to go up to her room, where, ſhe ſaid, ſome of his men were ſitting, and that one of them lodged in the houſe.—Witneſs went up to her room, and there were two or three perſons there; the Priſoner bade him ſit down, and he ſat in the window, ſhe ſent for ſome Whiſky, and he juſt put the glaſs to his lips, and being much fatigued from being upon duty the night before, he dozed aſleep for about two minutes; his breeches pockets had been broke, and he had a Guinea-and-half of gold, which he had hid for ſafety in the corner of his ſhirt-tail; he was ſuddenly waked by ſomething which cut his finger, and he ſtarted up and ſaw the Priſoner juſt ſtarting from his ſide, and immediately he perceived part of his ſhirt had been pulled out of his breeches flap, and his money cut away, his finger too, as his hand lay on his thigh, was ſlightly cut, he ſuppoſes with the knife, or inſtrument by which his money was cut away.—He made ſome noiſe, and ſaid, he was robbed, and ſeized the Priſoner, and almoſt pulled the clothes off her, but ſhe would not return his money, nor own ſhe had it.—When he firſt dozed there were but two perſons beſides

ſides himſelf in the room; when he waked there were four; when he ſeized her to ſearch, he heard ſomething like money chink in the Priſoner's mouth; *Winter*, the Priſoner, ſtruck at him, and ſhe went to the other ſide of the room, and witneſs drew his ſword, ſaying, he was robbed, and he would not be murdered.—He called out ſeveral times to the ſoldiers who lodged above ſtairs, who at length came down, and by witneſs's deſire went for the Police, and witneſs charged her with the robbery; one time ſhe ſaid, if ſhe had the money, ſhe would not give it; and another, that ſhe had it, and would not give it.— Witneſs cannot ſwear he actually ſaw her take the money, nor that he found it in her poſſeſſion.

*Priſoner acquitted.*

ELINOR KENNEDY, was indicted for ſtealing, on the 4th of Auguſt, three yards of Callico, value 4*s*. the goods of Dennis Killikelly.

*Dennis Killikelly*, ſworn,—ſays, he is a Linen-draper, and lives in Nicholas-ſtreet; on the 14th of Auguſt, between the hours of ſix and eight o'clock in the evening, a piece of Callico, containing three yards, was taken off his ſhop-door; his 'Prentice ſaw the Priſoner pulling it off the door, and called out, ſhe was ſtealing the Callico; the Priſoner immediately ran out, and dropt the Callico outſide the door, and ran down Kennedy's-lane, a Gentleman purſued her, took her, and brought her back; witneſs can only ſwear to the beſt of his belief, the Priſoner at the bar is the woman, for on that day her eyes were blackened, and ſhe had other diſfiuring marks on her face, which ſhe has not now.

*William*

*William Gibton*, an apprentice of Mr. Killikelly, poſitively ſwears to the theft, and the Priſoner's perſon; and being aſked by one of the Jurors, if it was not poſſible ſhe might be only looking at the Callico? anſwered, No.—It was inſide the door, and ſhe could not take it without coming inſide, that ſhe was putting it under her cloak, when he obſerved her, and called out, and ſhe ran away.

*Verdict—Guilty.—Sentence—Burning in the Hand, and 6 Months impriſonment.*

JUDITH KIRWAN, was indicted for ſtealing, on the 13th of Auguſt, four pounds of Feathers, value 1*s.* the goods of Abraham Weſt.

*Abraham Weſt*, ſworn, —ſays, he lives in Cole's-Alley; on the morning mentioned, he was told by one of his children, of nine years old, that Judy was up-ſtairs in the dining-room, with the bed cut open, filling the feathers into a bag; witneſs waited below for her, ſhe came down firſt to ſee if the place was clear, and then went up again, and came down with the bag of feathers under her cloak, and was going out, and witneſs ſtopt her, and aſked what ſhe had got; and ſhe anſwered nothing belonging to him.—Witneſs a long time thought the feathers ſeemed diminiſhing in his beds, but he caught her this time, and was reſolved to puniſh her.

The Priſoner, in her defence, ſaid, ſhe was taking the feathers to ſtuff a pillow for her own bed in the kitchen.

*Verdict—Guilty.—Impriſoned one Month.*

ANNE

ANNE MORAN, was indicted for ſtealing one Cloak, value 1*l.* and ſix yards of Cotton, valus 10*s.* the goods of Jane Gamble.

*Anne Moran* and *Catharine Dart*, both ſworn, and neither of them can ſay the Priſoner ſtole the goods.

*Priſoner acquitted.*

The Court ſeverely reprimanded the Proſecutrix, for throwing a young woman into Newgate, at the brink of ruin to her character and morals for ever, upon ſuch a frivolous and unfounded charge.

MARY NEWMAN, was indicted for feloniouſly taking on the 14th of Auguſt, four yards of Tabinet, value 10*s.* the goods of Benjamin Watſon.

*Anthony Deveniſh*, ſworn,—ſays, he is Clerk to Mr. Benjamin Watſon of College-Green; on the 14th of Auguſt, two women came into Mr. Watſon's ſhop, and aſked to look at ſome Tabinets, witneſs attended them, and pulled down a great many pieces, but could not pleaſe them with any colour; witneſs at length heard ſomething fall outſide the Counter, as his back was turned, and ſuſpecting that it was not to *buy* goods they came into the ſhop, he would ſhew them no more; one of the women went away, and the other, who was the Priſoner at the Bar, ſtood at the Counter, and complained of being ill-treated, and wanted to ſee more goods, but no more were ſhewn her; ſhe then began to handle thoſe pieces on the Counter, and the witneſs believes ſhe perceived ſhe was ſuſpected: She took up two of the pieces, and let them fall on the floor, and then ſtooping to take

take up thoſe two pieces, pulled a third piece (which witneſs ſuppoſed to be the firſt one he heard fall) from under her petticoats, and laid all three upon the Counter. — Witneſs ſwears poſitively he ſaw this woman put the 3d piece from under her petticoats, and that it did not fall accidentally on the floor at the ſame time with the other two.—The witneſs then detained the Priſoner, and ſent for a Policeman to whom he gave her in cuſtody, and ſince lodged examinations againſt her.—The piece of Tabinet might have contained ten or more yards.

The Priſoner made no defence, but a denial of the fact.

The witneſs rejoined, that ſhe had mentioned to him a reputable man, who was her brother, but that this man had come to Mr. Watſon's ſhop and left a letter received from the Priſoner, and denied his being any relation of her's.

The Court then ſummed up the evidence, and in charging the Jury, obſerved, that the Priſoner was not indicted capitally, but for Grand Larceny, and though ſhe did not carry the ſtolen goods out of the ſhop, yet the removing of them clandeſtinely from the place, where they had been put by the owner, or his Clerk, if it appeared, there was an intent to ſteal, was as compleatly a felonious taking in law, as if the thief had carried them effectually off the premiſes.—A ſervant removing the goods of his Maſter from their uſual place to any other part of his houſe, if it could be proved to have been done with intent to ſteal them, was to all intents and purpoſes in law a felonious taking, and therefore the only point for the Jury to conſider, was, whether the piece of goods proved to have been taken from under the Priſoner's petticoat was concealed there with intent to

ſteal

ſteal them. — If they believed the evidence of Mr. Deveniſh as to the piece being there, and believed that the Priſoner's intent was to ſteal, then they would find her guilty; if not, they would of courſe acquit her.

One of the Jury obſerved, that the Priſoner was indicted for taking only four yards, and the witneſs had ſaid the piece contained ten or more.

The Court anſwered, that was not material, becauſe it was evident, that if ſhe had ſtolen *ten* yards, there would be no doubt ſhe had ſtolen *four*.

*Verdict* — GUILTY.

The Priſoner implored the mercy of the Court, and ſaid, ſhe was a widow, and had five ſmall children, without any other dependance for ſupport; that ſhe was never before the face of a Court till now, and was wrongfully accuſed.

The Court obſerved, that thoſe children would be better off from under the care of ſuch a mother, and that if ſhe had proper feelings for them, ſhe would have preferred honeſt induſtry to fraudulent practices. — His Lordſhip ſaid, he remembered her being tried in this Court ſome time ſince for a moſt ſcandalous offence (it was a fraud on a Mr. Hughes of Cork-Hill, whom ſhe cheated out of a conſiderable ſum, under pretence of teaching him to tranſmute baſe metals into gold) of which ſhe was convicted, and for which ſhe lingered a conſiderable time in priſon under ſentence of tranſportation. — That his Lordſhip, through a miſtaken lenity towards her, repreſented the caſe of her five children, and attained for her his Majeſty's moſt gracious pardon, which ſhe had pleaded in that Court; yet, no ſooner was

ſhe diſcharged, under the hope of reformation, and future good conduct, that ſhe reſorts to her old trade.

*Sentence—Tranſportation 7 Years.*

TWO Women were indicted for ſtealing two Iron Anvils, the property of a perſon unknown.

*John Inglis*, a Policeman,—proved his having dogged the Priſoners into a houſe in Cornmarket, with the anvils in their poſſeſſion; but it appearing, that the owner of the anvils was a perſon *known* and in Court.—The Court obſerved, that the indictment was not ſupported, and charged the Jury to acquit the Priſoners.

*Verdict—NOT GUILTY.*

ALBINA MORRES, was indicted for falſely, knowingly, and deſignedly pretending, on the 7th Auguſt laſt, to be the ſervant of the Hon. Mrs. Hobart, and under ſuch falſe pretence, fraudulently obtaining one Hat, value 4*s*. 6*d*. the property of Thomas Abbot.

*Thomas Abbot*, ſworn,—ſays, he is a haberdaſher, and lives at No. 89, in Grafton-ſtreet; that about the 1ſt and 2d of Auguſt, the Priſoner came to his ſhop, and told him a rigmarole ſtory of her being connected with the firſt families in the kingdom, and intimate with Mrs. Hobart, Lady Louiſa Connolly, Lady Charlotte Lenox, that ſhe was particularly intimate in Major Hobart's family, and aſked for ſome patterns of ribbons to ſhew Mrs. Hobart.—

On

On the 7th of the month ſhe came again, and bought ſome things to the amount of 1*l.* 2*s.* 6*d.* and ſaid, they were for Mrs. Hobart, and that ſhe had no change, but Mrs. Hobart would call in a few days.—The witneſs not having Mrs. Hobart's cuſtom, and the Priſoner being a ſtranger to him, he was rather diffident of giving her the goods; but ſhe immediately ſaid, ſhe was an Officer's widow, and reſided in Major Hobart's family, as Mrs. Hobart's own confidential attendant, and that this was the reaſon why Mrs. Hobart had ſent her on ſuch a meſſage, which would not have been entruſted to any other ſervant; ſhe then referred him to Mrs. Jones, a confectioner in the ſame ſtreet, who, ſhe ſaid, knew that ſhe lived in the family; he accordingly ſent to Mr. Jones's to enquire, and was told they believed ſhe lived in Major Hobart's family, as ſhe brought meſſages there from the family.—Witneſs upon this gave her the goods, and ſhe called in a day or two and paid the bill, and took a receipt.—On the 13th of the month, ſhe came again, and took out goods of different ſorts to the amount of about 11*l.* among which were this hat, which, ſhe ſaid, were alſo for Mrs. Hobart, who was out of caſh, but requeſted to have them charged to her account, and that ſhe would call in a few days and diſcharge the bill, and purchaſe ſome other goods.—The witneſs was ſtill a little diffident, but gave her the goods; they were ſome of his laſt and moſt faſhionable importation from London.—Witneſs happened to mention the circumſtance to a confidential friend, who reprehended his imprudence in giving ſo much of his property to a perſon he did not know, witneſs was therefore reſolved to be perſonally ſatisfied, whether the Priſoner lived at

Major Hobart's or not; and he accordingly went one evening to the Major's houſe in the Phœnix-Park, and rapping at the door, the Priſoner was almoſt the firſt perſon he ſaw on entering the houſe.—There was a remarkable piece of Clouded Saſh Ribbon among the things the Priſoner had got from him, and as an excuſe for coming to the houſe, he told her it was the only piece of the kind he had, and intreated, as a favour, to get two yards for a Lady, a particular cuſtomer, until he ſhould get ſome more from London, when he would return it. The Priſoner ſaid, the piece was in Mrs. Hobart's poſſeſſion, and ſhe would go up and repeat his requeſt; the witneſs in the mean time was ſhewn into an elegant appartment until the Priſoner returned, he ſuppoſes from her *Repoſitory*, with the two yards of ribbon.—Inſiſted on detaining him to tea, treated him with ſome wine and cake, and he came away perfectly ſatisfied.—Witneſs ſince underſtands from Major Hobart, that on his coming away from the houſe, the Major aſked the Priſoner, who that young Gentleman was? and ſhe anſwered, "he was an *half-pay Lieutenant*, who had been "an intimate friend of her huſband's in Ame-"rica."

In a ſhort time afterwards the fraud came to be diſcovered; a perſon whom the Priſoner had ſwindled in like manner, furniſhed a bill to Mrs. Hobart of 30*l.* worth of goods, given to the Priſoner, which brought the fraud to light, and Major Hobart had intereſted himſelf in obtaining for this perſon about 28*l.* worth of the goods, and the remainder in money, and Mrs. Hobart, and Lady Charlotte Lenox, and all the other Ladies, denied ſolemnly, having any knowledge of the Priſoner's applying for goods

in

in their names.—The perſon who had obtained his 30*l.* acquainted the witneſs, and he immediately applied at Major Hobart's, and Mrs. Hobart and the family poſitively denied any knowledge of the tranſaction.—Witneſs got back the moſt part of the goods, and Major Hobart declared ſolemnly the Priſoner was no ſervant of his, but merely a perſon received into his houſe through charity, as believing her to be a diſtreſſed widow of an Officer, and he ſurrendered her to cuſtody, and ſaid, the law might take its courſe.—She had told her ſtory ſo plauſibly, and ſeemed ſo generally acquainted with many perſons and tranſactions, that occurred in America, during the war, that ſhe impoſed on many Officers and their Ladies in the Garriſon, who had been in America.—Witneſs was told by Mrs. Hobart and Lady Charlotte Lenox, that the Priſoner had ſaid to them, that the haberdaſhery buſineſs was next to coining, that the great fines and heavy rents they paid for houſes, and the ſplendid ſhops they had, was a proof of it, and that ſhe herſelf had got thoſe very ribbons (which ſhe had from the witneſs, and which coſt him from 1*s.* 6*d.* to 2*s.* a yard in England) cut out of the looms of the poor Manufacturers in the Liberty at 9*d.* a yard.—Witneſs ſays, he underſtands ſhe ſwindled ſeveral perſons about two years ago, in the name of Murray.

The Priſoner in her defence ſaid, ſhe was poſitively employed by Mrs. Hobart to go and obtain goods for her account without mentioning any particular ſhop, and had given her the money to pay the Proſecutor the firſt bill, that ſhe had deſired her to get the other goods from the Proſecutor, according to the patterns which

he

he ſent by her, and that Mrs. Hobart was ſo bare of money, that ſhe could not pay for them, and ſuffered (the Priſoner) to be proſecuted rather than expoſe her own want of money. She ſays, the reaſon why ſhe ſaid ſhe had bought the goods in the Liberty, was by Mrs. Hobart's directions, in order to deceive Major Hobart, and that he ſhould not know the price they really coſt.—She ſays, ſhe was ſixteen years the wife of an Officer in the Britiſh army, and that ſhe is the niece of Alderman Moncrieffe of this city, though ſhe never mentioned it before.

The Court obſerved, that if the Priſoner had choſen to examine Mrs. Hobart, as a neceſſary evidence, there could have been no difficulty in obtaining the benefit of her teſtimony.

The witneſs, Mr. Abbot, ſaid, when he appealed to Major Hobart on the ſubject, the Major had ſaid, he wiſhed, if poſſible, the neceſſity could be avoided of bringing the Ladies before the Court; but if neceſſary, they would appear on receiving timely notice.

*Verdict — GUILTY.*

*Fined 6d. impriſoned three Months.*

MARY WALSH, was indicted for ſtealing one Gown, value 1*s.* and other articles, the goods of Mary Anne Mack.

*Timothy Ryan*, being ſworn, — it appeared from his evidence, that Mary Anne Mack, was a married woman, conſequently, that the property was her huſband's.

The Court, therefore obſerved, that the indictment was not ſupported, and the Priſoner was acquitted.

THURSDAY,

THURSDAY, October 4.

JOHN KENNEDY, was indicted for feloniouſly taking on the 15th of September, one Rheam of Paper, value 4ſ. the goods of Wm. Kenny.

*William Kenny*, ſworn,—is a Paper-Merchant, and lives on Uſher's-Quay, and the Priſoner was his ſervant; on the 15th of September laſt, the witneſs went into his warehouſe, and ſaw a rheam of paper removed from the place where it had been depoſited, to a very unuſual place, for it was placed on the inſide of a window which looked into the yard, the ſaſh of which might be eaſily lifted up and down by any perſon putting a hand between the iron bars, which guarded the ſaſh on the outſide, and by this means an hand could be introduced, and any thing which could paſs between thoſe iron bars, might be eaſily taken out; the witneſs ſuſpecting the paper was placed there for ſome fraudulent purpoſe, did not remove it, but was reſolved to watch who ſhould take it.

The witneſs's family being from home, the Priſoner aſked leave to go out, which witneſs gave him, deſiring he might be home early; witneſs then went to the Coffee-houſe, and at his return in the evening went into the warehouſe, and perceived the rheam of paper was taken away; witneſs waited until the Priſoner came in, and then ſent for Mr. Suter, his next door neighbour, and in his preſence, interrogated the Priſoner, and told him, the only means thro' which he could hope for lenity, was to confeſs the truth, upon which he owned the robbery.

*Counſellor M'Nally for the Priſoner*, obſerved, that by Mr. Kenny's own acknowledgement, it

it appeared, the witneſs had furniſhed, under promiſes of lenity, the only evidence which could at all go to his conviction, and argued, that therefore, ſuch evidence ſo obtained, was not legally admiſſible.

The Court coincided in the objection, and charged the Jury to acquit the Priſoner.

*Verdict—Not* GUILTY.

Mr. Kenny obſerved to the Court, that he had got ſome very good diſcharges from this man, and that as he had acted ſo improperly in his ſervice, he wiſhed to know, whether it would be doing his duty as an honeſt citizen, to ſurrender thoſe diſcharges to him again.

The Court adviſed, that the diſcharges ſhould be returned to the Maſters who had given them, and the reaſons for ſo doing aſſigned.

*Counſellor M'Nally* obſerved, that it was the duty of every man to give a ſervant ſuch character only as he deſerved, and by the law of England, under an act of the laſt ſeſſion, any man who gave a good character to an undeſerving ſervant, was liable to a penalty of 50*l.*—He inſtanced a Caſe, where a Maſter had given a character to a ſervant of ſobriety and honeſty, inſtead of which, the man proved to be a drunkard and a thief; upon which, the latter Maſter commenced an action againſt the former, and recovered conſiderable damages, being adequate to what he had loſt, with full coſts.

JOHN DONNELLY, was indicted for ſtealing a Pewter Quart, value 1*s.* and a Bottle and a Pint of Oil, value 5*d.* the goods of John Murray.

*Bridget*

*Bridget Murray*, wife of *John Murray*,—proved her having loſt the oil bottle out of her bar-window, through a broken pane which looks in her hall; ſhe did not ſee the Priſoner ſteal it, but he was caught in the neceſſary at the rere of her houſe, juſt as the family were going to bed, with the bottle of oil at his foot, and the quart was thrown down the neceſſary; upon which the Priſoner was charged on the Police. — Witneſs never ſaw the Priſoner before.

The Priſoner in his defence, ſaid, he was drunk, and went into the neceſſary, and fell aſleep, but knew nothing of the bottle or the quart.

*Acquitted.*

EDWARD DOGHERTY, a ſervant, was indicted for feloniouſly taking and embezzling, on the 16th of September, a Bank Note, value 30*l.* and 6*l.* 16*s.* 6*d.* in money, of the Rev. Benedict Arthur, his Maſter, with intent to ſteal the ſame, and defraud his ſaid Maſter.

*Rev. Benedict Arthur*, ſworn,—ſays, that the Priſoner was his ſervant; that on the 16th of September, between the hours of eleven and two, his deſk was opened at his houſe in Glouceſter-ſtreet, and a 30*l.* Bank Note, and ſix Guineas taken out of it; he did not find it broke open.—His reaſon for imputing the theft to the Priſoner, was, that he left him in the houſe when he was going to church; it was on Sunday; and on his return, he found no one in the houſe but his coachman and cook, both of whom he knows many years, and has experi-

ence of their honeſty, the deſk was robbed on the Sunday, and on the Tueſday the Priſoner was taxed with the robbery; he firſt ſaid, he never came into the room where the deſk was; then he ſaid, he never had come farther than the door, or his coming for the key of the ſtable; and again, he acknowledged he had been ſome time looking out at the window; another reaſon the witneſs has for charging the Priſoner was, that he had imprudently counted over ſome Bank Notes and Money, and put them into the deſk often in his preſence.—The deſk was not broke open, but unlocked, and locked again, it was robbed; the key of that part which was robbed was a remarkable good key, and for fear of loſing it, witneſs had locked it up in another drawer of the ſame deſk of which the lock was bad.—He thinks therefore, the Priſoner contrived to open this lock, by which he became poſſeſſed of the other key.—The robbery was committed on the Sunday, and the Priſoner was taken to the Police-houſe on the Tueſday following, and when there, he ſet the witneſs at defiance, ſaying, he could do nothing, as he had no evidence.

*The Priſoner was acquitted.*

MARGARET LACEY, (tried yeſterday by the name of Elinor Jackſon), was indicted for ſtealing one Pen-knife, and 4*l.* 13*s.* in caſh, the goods and money of Dominick Higgins.

*Mary Williams*, ſworn,—did not ſee the Priſoner ſteal the articles, but ſaw her look into a pocket-book which Dominick Higgins ſwore was ſtolen from him.—Higgins is ſteward of the Roſs Cutter, and is now at ſea.

No

No other evidence, and the Priſoner acquitted on this indictment.

MARGARET LACEY, was again indicted for receiving from a perſon unknown, knowing the ſame to be ſtolen, one Silver Table-ſpoon, value 5*s.* one Silver Deſert-ſpoon, value 3*s.* and one Hat, value 4*s.* the goods of Colonel William Irwin.

*Edward Bedford*, ſworn, — ſays, Colonel Irwin lodges, when in town, at No. 12, in Mary-ſtreet, and that he was the Colonel's Butler.— Thoſe ſpoons were ſtolen in April laſt, and being produced to the witneſs, he ſwears they were Colonel Irwin's property. — Witneſs did not come to the knowledge of where they were until the middle of laſt month, and he then found them in Alderman Flemming's Office, by means of an Advertiſement publiſhed in the *Hue-and-cry*

*William Shee*, a Police Inſpector, ſworn,— ſays, that on going his round one night, about the middle of laſt month, and going to the different Guard-houſes, he received information in the ſtreet, that if he would go to the Priſoner's houſe, at her lodging's in Fleet-ſtreet, he would find a duplicate in her box, of ſome ſpoons.—He accordingly went, and opened her box, and got the duplicate, and went to the Pawnbroker's and got the ſpoons, pawned in the name of Margaret Smallman, (one of the names the Priſoner goes by).—Witneſs knows the box was her's, for he often opened it before for her, and he has known her to go by the name of *Margaret Smallman*, and proſecuted her before by that name, when ſhe kept a

houſe of ill-fame in Fleet-lane, for receiving the ſtolen plate of a Mr. Buſhe.

The Priſoner, in her defence, ſays, that ſhe was in Newgate when the box was broke open, and the duplicate taken out, and that ſhe had got the duplicate as a pledge from one Mary Johnſon.

*Anne Clark, an Evidence for the Priſoner,*—ſworn and examined,—ſays, ſhe ſaw the Priſoner get the duplicate for thoſe ſpoons, from one Mary Johnſon, in pledge for victuals and drink.—Upon her Croſs-examination, ſhe ſays, ſhe cannot read or write, but was told by another perſon, that the paper given by Mary Johnſon to the Priſoner, was a duplicate; ſhe ſwears ſhe knows the Priſoner ſome years, and never knew her to go by any other name than Margaret Lacey.

*William Shee*, the preceding witneſs for the proſecution, obſerved to the Court, that the laſt witneſs, was ſome time ſince tried for ſhop-lifting, and impriſoned in Newgate 12 months; but ſhe was ſeverely reprimanded by the Priſoner's Council.

*Margaret Farrel, was another witneſs adduced for the Priſoner*, ſworn,—ſays, ſhe knows the Priſoner perſonally, and that the name ſhe went by in the neighbourhood was *Margaret Rocahe.*—Witneſs ſays, a woman named Mary Johnſon, came to herſelf and wanted her to buy a duplicate for two ſpoons, but witneſs would have nothing to do with it, nor did ſhe handle the duplicate, or know any thing about its being ſold to the Priſoner.

*Evidence being cloſed,*

The Court having ſummed up the whole, in charging the Jury, obſerved, that in all Caſes the

the beſt evidence poſſible ſhould be produced to the Court and Jury.—In this Caſe the duplicate, and the Pawnbroker who gave it, would have been the beſt evidence, and his Lordſhip could ſee no reaſon why they were not produced.—The woman was in Newgate when the duplicate was found in her box, and it was poſſible they might have been put there unknown to her.—The only evidence of herſelf being the receiver of the ſpoons, was the duplicate ſworn to by William Shee, which, on his evidence, appeared to have been made out in one of the names which the Priſoner appeared to have aſſumed.—The evidence of the Pawnbroker therefore, ſeemed highly neceſſary to elucidate the fact, and identify the woman; however, the Jury would decide for themſelves, upon the teſtimony they had heard.

*Verdict*—GUILTY.

*Tranſportation for 7 Years.*

THOMAS HENDERSON, was indicted for ſtealing, on the 8th of September, one Horſe, value 5*l.* the goods of Tho. Broughall.

*Alexander Summers*, ſworn,—knews the Priſoner from having ſeen him before.—Witneſs is Clerk to Mr. Keogh of Dame-ſtreet; on the 8th of September, Mr. Broughall came to Mr. Keogh's houſe, in a four-wheeled chaiſe, between 3 and 4 o'clock; his chaiſe and horſe remained in the ſtreet oppoſite to Mr. Keogh's door; witneſs looked out accidently, and ſaw the chaiſe move towards Euſtace-ſtreet, and preſently ſaw it turn down Euſtace ſtreet; he immediately followed, and overtook it near Eſſex-ſtreet, where it ſtopt, and he ſaw the Priſoner

ſoner come out of it; he ſeemed rather in liquor; he would give no account of his motive for taking away the chaiſe, and witneſs leaving the chaiſe and horſe in charge with ſome perſon he knew, brought the Priſoner up to Mr. Keogh's, where Mr. Broughall was, and it was Mr. Broughall's deſire he ſhould be proſecuted.

The Priſoner, in his defence, ſays, he was drunk that day, and ſtumbled into the chaiſe, which was very low, not knowing what he was about; that as ſoon as he went into it, the horſe went on, and not having the reins, he could not ſtop him; he had no intention of ſtealing the horſe or chaiſe.—Priſoner ſays, he was turned out of the Priſon laſt night, and thought there was no charge againſt him, but he met ſome perſons who made him drunk, and he lay down on ſome ſteps, and was ſtripped almoſt naked, and robbed of his clothes; that he went home naked, and ſomebody who was either his friend or his enemy, he does not know which, bid him come into Court this day. If he thought he was guilty of any harm, he had no occaſion to come.

The Court enquired how this man came to be turned out of Priſon, againſt whom there was a capital indictment.

*Mr. Gregg*, the Gaoler, anſwered, that he was diſcharged by the direction of the Grand Jury, who had ſaid the Bill was not found.

*Mr. Thomas Broughall*, ſworn,—ſays, the chaiſe and horſe were his, and he knew nothing of their being taken away until told by the laſt witneſs, when he brought the Priſoner to Mr. Keogh's ſhop.—The Priſoner at firſt ſeemed ſtupidly and obſtinately ſullen, and would give no account of his motive for taking away the horſe and chaiſe, but when he found he was really about to be ſent to priſon, he ſeemed

ſome-

ſomewhat alarmed, ſaid, he had ſtumbled into the chaiſe, and did not know what he was doing.—He told his name, and ſaid he lived in Halſton-ſtreet behind the New Priſon, which, the witneſs, on enquiry, found to be true.—The people where he lodged, knew very little about him, and witneſs requeſted Mr. Summers to proſecute him, but it was not his intention, the unfortunate man ſhould be proſecuted capitally; but having occaſion to leave town the next day, he had no opportunity of learning any thing reſpecting the nature of the indictment; he really does not believe the man intended to ſteal the horſe and chaiſe, but that it might be one of thoſe tricks too common with the porters about that neighbourhood, to find horſes, dogs, and other things before they were loſt, in order to get a reward from the owners. The utmoſt of the Priſoner's intention, he believes, to have been ſomething of this kind: by what he could learn of the Priſoner's character, he underſtood he was conſidered a drunken, harmleſs fellow.

*Mr. Gregg*, Goaler of Newgate, and the Rev. Mr Gamble, bore teſtimony to the Priſoner's remarkably peaceable decorum in the priſon, while almoſt all the other Priſoners were joined in riotous conduct.

The Court, in charging the Jury, obſerved, that from the evidence of Mr. Broughall, that the Priſoner inſtead of being guilty of a capital felony, for which he ought to ſuffer death, ſeemed only to have committed a fraud, for which he deſerved to be publickly whipped; in all caſes of capital proſecutions for theft, it was neceſſary to the ſupport the indictment, that the fraudulent intent ſhould be proved, which

which was not the caſe in the preſent inſtance, therefore the Priſoner ſhould be acquitted.

*Verdict—NOT GUILTY.*

The Court then admoniſhed the man againſt a repetition of that drunkenneſs which had brought his life in danger, and of which ſo far was he from being cured, by the hardſhips of impriſonment, or a reflection on his folly, that even laſt night it ſubjected him to be ſtripped of his cloaths, and ſent home naked.

MATTHEW FITZHENRY, was indicted for ſtealing two Iron Locks, value 2*s.* the property of Edward Kent.

*John Hughes*, a dealer in old iron, proved his having bought thoſe locks from the Priſoner, but cannot ſwear they are Mr. Kents property of his own knowledge.

*Priſoner acquitted.*

JAMES MORRISON and JUDITH MORRISON, were indicted, as perſons not being employed in his Majeſty's Mint, for making, counterfeiting, and colouring 170 pieces to the likeneſs of the good and lawful money of this realm, called ſhillings, and alſo for having in their poſſeſſion certain implements for making and counterfeiting the good and lawful money of this realm.

The Court obſerved, the crime laid in this indictment was High Treaſon on the face of it; a crime of which that Court had no juriſdiction.

*Counſellor*

*Counſellor M'Nally.* My Lord, there is not a word of High Treaſon in the indictment; the Priſoners are merely indicted for a treſpaſs at common law; they are now brought before your Lordſhip, and are ready to abide their trial; they have been arraigned and have pleaded to the indictment, and they ſhould apprehend they muſt either be tried or diſcharged as to this offence.

*Court.* Certainly, this Court has no cognizance of crimes of High Treaſon; the Charter of the city of Dublin gives us cognizance of all offences committed againſt any ſtatute theretofore paſſed, or thereafter to be paſſed within the realm of Ireland, but not over offences againſt declaratory laws.—The Magiſtrate who took the examinations in this caſe, has acted in a manner extremely erroneous, in returning them here.—He might juſt as well have returned them to the Civil Bill Court, they ought moſt certainly ought not to have been returned to the Commiſſion.

*Counſellor Caldbeck.* If your Lordſhip has no cognizance of this matter, I believe your Lordſhip will ſee the Priſoners muſt be diſcharged.

*Court.* I don't immediately ſee that ſuch a ſtep would be warrantable; the regular mode would be to quaſh the preſent Bill to move the matter by *Certiorari*, into the King's-Bench, and ſend up a new indictment to the Grand Jury.

*Counſellor M'Nally.* Your Lordſhip ſees the ground of the indictment is merely ſuſpicion, and even Government think ſo lightly of it, that they have not ſent down either Agent or Council to ſupport the Proſecution.

*Court.* The Grand Jury appear to have found a thing to be mere treſpaſs, which appears in Law to be High Treaſon.

*Counſellor Caldbeck.* Then, my Lord, as your

Lordſhip has no cognizance of the offence charged againſt the Priſoners, aud, as there is in fact, nothing before your Lordſhip againſt them, they ſhould be diſcharged.

*Court.* The Caſe is certainly embarraſſing.

*Counſellor Caldbeck.* It is, my Lord, quite a new Caſe.

*Court.* I cannot take upon me to diſcharge the Priſoners; I ſhould think, the more regular way of proceeding would be as I have before mentioned, by *Certiorari* into the King's-Bench; however, I ſhall ſee further.

*Counſellor M'Nally*, then moved the Court, that a ſilver watch, twenty guineas in lawful money, a promiſſory note for 45*l.* and ſome national bank notes, which were forcibly taken from the Priſoners by the Officers of the Police, and certainly were not counterfeit coin, ſhould be returned to them. — The learned Council obſerved, it was a very great grievance in the mode of adminiſtring Public Juſtice, that the moment an unfortunate perſon is accuſed, whether truly or falſely of a crime, the Officers of Juſtice not content with apprehending his perſon, ranſack his dwelling, and carry away watch, money, plate, and every thing valuable they can find, by which means an unfortunate Priſoner is often left deſtitute of the neceſſary means, for defence on his trial, and even tho' acquitted, thoſe articles of which he has been plundered, ſeldom ever find their way back to his poſſeſſion.

The Court was pleaſed to part the motion, and the Police Inſpectors returned the articles in Court.

*Counſellor M'Nally* then moved the Court to admit one of the Priſoners (the woman who was pregnant) to bail, but the Recorder referred the learned Council to the Judges of the King's-Bench.

JOHN MURPHY, a Lad, about 16, was indicted for ſtealing, on the 3d of Auguſt, two pair of Shoes, value 8*s.* the property of John Gamble.

*James Gamble*, ſworn,—ſays, he lives in Barrack-ſtreet; on the 3d of Auguſt, witneſs had been out on buſineſs, and on his return to his Father's ſhop, John Gamble, he was told by ſome perſon, that a Boy had run out of the ſhop and robbed it of ſomething, and deſcribed the Priſoner.—Witneſs ſaw him at a little diſtance going towards the Park, and purſued him, and when he came up to him, he obſerved ſome bulk in his pockets; he aſked the Priſoner what he had got, and he refuſed to tell, upon which, witneſs put his hand into his pockets, and pulled out both the pairs of ſhoes, which witneſs produces in Court, and which he ſwears to have been his Father's property ſtolen from his ſhop, on the day ſtated in the indictment.

*Verdict*—GUILTY.

*Sentence*—*Tranſportation 7 Years.*

CATHERINE LYNCH *, was indicted for ſtealing, on the 20th of Auguſt laſt, a Silver Watch, value 1*l.* the goods of Patrick Cavanagh.

*Patrick Cavanaugh*, ſworn,—ſays, he never ſaw the Priſoner till yeſterday, and does not know whether ſhe ſtole his watch or not; he was going home, on the 20th of Auguſt at

* This Woman was tried at the laſt Seſſions for Shop-lifting, by the name of MARGARET HARDY, and acquitted by the humane interference of the Court, upon a point of Law, and at the ſame time ſolemnly admoniſhed, to betake herſelf to honeſt induſtry.

night, and being in liquor, was ſurrounded by a number of girls, and robbed of his watch; he got his watch again from the Police.

—— *Page*, a Police Serjeant, ſworn, — ſays that on the 20th of Auguſt, he had the Main-guard in the Rotunda Diviſion, and that ſeveral Girls were taken up that night charged with ſtealing watches; on the following morning a young man came to the Watch-houſe to enquire after his watch, of which he had been robbed the preceding night. — The Priſoner at the bar came into the Watch-houſe with a breakfaſt of tea for one of the Girls, but was not herſelf in cuſtody. —On her coming down ſtairs the witneſs ſearched her, and found a watch, which the young man ſaid was not his; but the laſt witneſs, who was outſide the door, called out, the watch was his, and immediately gave the Priſoner in charge for ſtealing it.

There being no evidence to ſupport the charge againſt the Priſoner of actually ſtealing the watch, ſhe was *acquitted.*

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MARY LLOYD, was indicted for feloniouſly taking, on the 14th of September, one Silver Shoe-buckle, value 10*s.* the goods of Mathew Weſt.

*Jacob Weſt*, the ſon of *Mathew Weſt*, ſworn, —ſays, that on the day ſtated, he was called to dinner, and left his little brother to take care of the ſhop in his abſence; that between four and five he was called to the ſhop by his brother, and he there found the Priſoner, who had come in under pretence of ſelling a ſpy-glaſs; ſhe had part of her cloak ſpread over the glaſs-caſe, and with her hand ſhe raiſed up the lid

at

at one end, and had taken out one buckle, and was in the act of taking out the other, when the witneſs detected and challenged her; ſhe immediately let the buckle fall from under her cloak upon the floor.—The glaſs-caſe was locked in the middle, and haſped at one end, and ſhe ſtrained the ſaſh to get in her hand; ſhe did not let the buckle fall until after ſhe was charged with theft.—Witneſs ſays, both his Father's and many other ſhops in Skinner-Row have been from time to time attempted to be robbed in the ſame manner, but from a belief, that the thieves could not be puniſhed, as they had not taken the goods *out of the ſhop*, they were always ſufferred to eſcape.

The Court, in charging the Jury, obſerved, that a miſtaken notion had gone forth, that perſons ſtealing goods in ſhops or houſes, were not puniſhable by law, unleſs thoſe goods were actually carried out of ſuch ſhops or houſes into the ſtreet.—The law, however, was not ſo abſurd or unguarded, the taking or removing any article out of its place with a felonious intent, was to all intents and purpoſes as much a felonious taking and carrying away, as if the culprit ſhould carry off the goods entirely, and never return them.

*Verdict*—GUILTY.

*Sentence*—*Tranſportation 7 Years.*

MARGARET BYRNE, was indicted for feloniouſly receiving on the 6th of Sept. laſt, 10 Chair-covers, 3 window curtains, a ſet of Bed-curtains, and ſeveral other articles, the goods of William Langford, knowing them to be ſtolen.

*Janet.*

*Janet. Jones*, ſworn,—ſays, the Priſoner came into the ſhop of a Mr. M'Cormick, ſon-in-law to the witneſs, at the corner of Hoey's-Court, to buy a coat; it is a caſt-clothes ſhop; witneſs was in the ſhop, and ſold the Priſoner the coat, when ſhe had bought it, ſhe laid it down on a bundle of things, which ſhe brought in with her, and which the witneſs thought looked rather ſuſpicious, and aſked the Priſoner what ſhe meant to do with them? The Priſoner ſaid, ſhe wanted to ſell them, and aſked if witneſs would buy them; witneſs aſked her into the parlour, and, on looking over the things, immediately knew them to be the very ſame of which a daughter of her's, (Mrs. Langford) had been robbed a year before.—Witneſs immediately told the Priſoner ſo, and aſked her how ſhe came by them? and told her not to be alarmed, for if ſhe told truth ſhe ſhould come to no injury; but the Priſoner prevaricated a good deal in her account, and the witneſs judging from this, ſhe had ſome knowledge of the robbery, ſent for the Police and gave her into cuſtody.—On her examination at Alderman Flemming's Office, it came out, that ſhe was the ſiſter of the ſervant maid who lived with the witneſs's daughter, at the time ſhe was robbed; the Priſoner ſaid, ſhe got the things from this ſiſter to ſell, at the houſe where ſhe lived, at a Mr. Walſh's, in Caſtle-ſtreet and a Police Inſpector being ſent there, ſhe was not to be found, but upon examining her box, one of the ſtolen curtains to match thoſe found on the Priſoner was got in the box.

*Mrs. Langford*, wife of *William Langford*, proved her huſband's property in the articles produced in Court, and ſhe was poſitive it was her own needle-work upon them.

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The Court having ſummed up the evidence, in charging the Jury, obſerved, that, even that the Priſoner was innocent of the knowledge of thoſe goods being ſtolen, the circumſtance of her being the ſiſter of the ſervant who lived with the owner of thoſe goods at the time ſhe was robbed, and her prevarication when fairly warned by the firſt witneſs, formed a ſtrong proof, that ſhe muſt have been aware the goods were not honeſtly come by, and that ſhe was conſcious of a degree of guilt, in endeavouring to diſpoſe of them.—The ſingularity of the incident by which ſhe was detected in offering the ſtolen articles for ſale, to one of the very family from whom they were ſtolen, after a year's concealment, ſhould ſerve as an example to all diſhoneſt ſervants, and ſhew them how liable they are to detection, even when they ſuppoſe themſelves moſt ſecure.—If the Priſoner, in this inſtance, ſhould be ſubjected by conviction to the puniſhment of the law, the prevariacation in the firſt inſtance, would prove in a great meaſure the cauſe; and, therefore, if the Priſoner, by that prevarication has furniſhed a principal preſumption for her guilt, ſhe had only herſelf to blame, and her fate might ſerve to ſhew, that truth ſhould be the characteriſtic of innocence.

*Verdict* — GUILTY.

*Sentence.* — *Tranſportation.*

ARTHUR LEE, was indicted for aſſaulting John Nun Richards, Eſq.

*John Nun Richards*, Eſq. one of the Attorney's, ſworn,—ſays, the traverſer is an Attorney's

torney's Clerk, and came to him on the 28th of Auguſt laſt, ſaying, he was in great diſtreſs, and urgently ſoliciting employment, which the witneſs, (though not in want of a Clerk) gave him, in conſideration of his diſtreſs, at the rate of 13*s.* 6*d.* *per* week; this was Tueſday; on having heard ſo bad a character of the man in a day or two afterwards, he diſcharged him on the Saturday evening following, and paid him 9*s.* 9*d.* which was 9*d.* over his ſallary.—On that night-week the traverſer came to his houſe drunk to demand 13*s.* 6*d.* and refuſed to leave the houſe until he ſhould be paid it, called the Proſecutor many opprobious names, and threatened to beat him, if he did not comply with his demands, upon which, the witneſs ſent for the Police, and detained the traverſor until they ſhould come.—The traverſer ſtruck the witneſs, and put him under the neceſſity of chaſtizing his audacity by a ſound beating.—The witneſs ſays, he thought it his duty to puniſh the inſolence of the traverſer, by law, to deter others from ſimilar acts of daring miſconduct, but on account of the correction and impriſonment he had already received, witneſs did not wiſh to puniſh him further.

*Found* GUILTY,

The Court ſentenced the traverſer to a week's further impriſonment, and fined him 6*d.* and, after a ſevere reprimand for his miſconduct, told him, that were it not for the lenient declaration of the Proſecutor, he ſhould be in Newgate ſix months.

THOMAS MACKAY, was indicted for ſtealing a Shirt and Shift, value 4*s.* the goods of Thomas Holcroft, and a again for vagrancy, and acquitted in both.

Ex, EHR